U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 13, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find responses to questions posed by the Committee to the Attorney General following the Committee's hearing of June 5, 2003, concerning oversight of the Department of Justice. Our responses are divided into two parts: those concerned with implementation of the USA PATRIOT Act and those concerning other matters.

We regret the delay in responding but hope that this information will prove helpful to you. If we may be of additional assistance in connection with this or any other matter, we trust that you will not hesitate to call upon us.

Sincerely,

William E. Moschella

William E. Moschella
Assistant Attorney General

Enclosures

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

DEPARTMENT OF JUSTICE RESPONSES TO GENERAL QUESTIONS FOR THE RECORD

COMMITTEE ON THE JUDICIARY UNITED STATES HOUSE OF REPRESENTATIVES

JUNE 5, 2003

1. **Mr. Attorney General, would you comment further on what the Department is doing to combat intellectual property theft, especially that affecting copyrighted works?**

Answer: The Department of Justice has worked hard to make strong intellectual property rights enforcement a priority. We have used the deeply appreciated resources provided by Congress to create nine new Computer Hacking and Intellectual Property (CHIP) Units in nine United States Attorneys Offices across the nation. These nine new units, coupled with the existing CHIP Unit in San Francisco, consist of dedicated Federal prosecutors whose primary focus is prosecuting high tech crimes, including IP crimes. We subsequently established three additional CHIP Units raising the total number to 13. The resources provided by Congress will help ensure that the Department of Justice has a ready supply of highly trained prosecutors to pursue intellectual property cases.

Additionally, and again with the support of Congress, we have also significantly increased the size of the Computer Crime and Intellectual Property Section in Washington. This influx of resources has allowed us to develop an aggressive intellectual property program focused on addressing piracy both in the United States and internationally. These additional resources are already showing results. I would note, for example, that Operation Buccaneer, an ongoing international piracy conspiracy prosecution which has resulted in the longest sentences ever for online piracy, is a joint prosecution between the Department's Computer Crime and Intellectual Property Section and the CHIP unit in the Eastern District of Virginia.

2. **I am particularly interested in the activities of the Computer Crime and Intellectual Property Section at DOJ. We keep asking the appropriators to give CCIPS more resources. How are they being used?**

Answer: The additional resources that have been allocated to the Computer Crime and Intellectual Property Section have resulted in the attorneys of CCIPS developing a focused and aggressive long-term plan to combat piracy both in the United States and abroad. For the first time, CCIPS has a Deputy Chief whose sole responsibility is to oversee and manage the attorneys in the Section dedicated to IP enforcement. At present, there are twelve CCIPS attorneys working full-time on the IP program. In addition to developing and implementing the Department's overall anti-piracy strategy, these attorneys aggressively prosecute domestic and international

piracy rings, assist AUSAs nationwide in enforcing the intellectual property laws, and reach out to international counterparts to ensure a more effective world-wide response to intellectual property theft.

Among the accomplishments of CCIPS in the past two years is the prosecution of Operation Buccaneer, the most far-reaching and successful online piracy investigation to date. This investigation has resulted in 26 convictions to date with additional convictions expected in the months ahead. This prosecution has also resulted in the first-ever extradition request of a foreign national based solely on Internet software piracy charges. CCIPS attorneys also played a leading role in one of the first prosecutions for violating the Digital Millennium Copyright Act. Further, CCIPS attorneys also provided important assistance to the Southern District of New York in the prosecution of a New Jersey man who pled guilty to distributing a pre-release copy of the motion picture "The Hulk," to the Internet. This prosecution is of particular note because it occurred within weeks of the defendant's illegal conduct and while the movie was still in initial release. Multiple additional investigations are ongoing under the guidance of CCIPS attorneys.

In addition to increased emphasis on criminal prosecution, CCIPS continues to develop and expand its international outreach efforts, focusing on those countries whose IP enforcement regimes suffer due to inadequate investigative or prosecutorial methods or resources. This targeted approach will allow the expertise of CCIPS to be effectively utilized in those nations in the greatest need of training in the areas of investigation and prosecution. For example, in June of 2003, CCIPS attorneys traveled to Brazil and met with judges, prosecutors, law enforcement and key policy makers to discuss ways to improve law enforcement coordination and to provide important assistance in many facets of intellectual property enforcement. Additionally, in October of 2003, attorneys traveled to China to engage the Chinese in discussions aimed at improving cooperative efforts to combat piracy. During this visit, CCIPS attorneys met with high level Chinese law enforcement officials in 3 cities to discuss a wide range of enforcement problems, including the need to update Chinese law to account for not-for-profit piracy occurring online. This trip is the first step in what the Department hopes will be a long-term and increasingly strong cooperative effort between our Government and China in regard to criminal enforcement of intellectual property rights. CCIPS fully expects to continue to expand its international activities in other countries in the years ahead. Finally, CCIPS continues to work closely with the copyright industry and Congress on a wide array of policy issues, including the sufficiency of existing laws for prosecuting intellectual property crime.

3. Do you need more resources in order to increase prosecutions of intellectual property crimes? Are any changes in the law necessary to facilitate prosecutions?

Answer: Successful intellectual property prosecutions require a comprehensive team effort. Success begins with sufficient agent resources to investigate and develop strong cases. In the on-line context, investigations can be very lengthy and resource intensive. Further, many intellectual property cases - particularly online cases - require that significant forensic resources

be available to analyze and determine the sufficiency of the evidence obtained during the investigation. Recent investigations have recovered multiple computer servers storing terabytes of pirated movies, music, games and software - all of which must undergo forensic analysis. Finally, sufficient prosecutorial resources must be available to prosecute and convict the defendants identified by the investigation. Each of these elements is essential to successful enforcement of our IP laws. Congress has provided the Department with significant prosecutorial resources in the past few years, and we are now putting these resources to use in order to combat piracy. We will do everything within our power to maximize the resources we have been given at the same time as we assess any additional needs we may have. We appreciate the support provided and look forward to working with you in the months ahead.

With regard to possible changes in the law, the Department and CCIPS are in the process of reviewing our IP laws to ensure that they are adequate to allow effective intellectual property enforcement. At this point, the Department is not yet prepared to address the sufficiency of the Federal intellectual property laws. However, our review is ongoing, and we look forward to addressing this important issue in more detail in the very near future.

4. What resources might you need to effectively enforce the laws against cyber crimes?

Answer: With respect to the prosecution of computer crimes, Congress has in recent years generously provided resources to the Department. Rapid changes in the technology and criminal methodology, however, pose a continuing challenge to our prosecutorial efforts. In order successfully to meet this challenge in the future, the Department must retain its ability to keep pace with rapidly evolving technology and emerging cyber crime trends.

The Federal Bureau of Investigation (FBI) investigates significant criminal and national security threats involving the use of computers, the Internet, and high technology. These cases include computer intrusions, intellectual property violations, online child exploitation, Internet fraud and identity theft. The FBI leads or participates in over 80 cyber task forces dedicated to addressing these threats. Each task force requires state-of-the-art equipment, training, and technical talent so the United States can respond to even the most complex threats.

5. The last census found more than seven million people, which is probably a conservative estimate, in the United States illegally. As long as our border security is weak, we will continue to invite people to enter our country illegally. If we can't tell who is coming into the country, then we also don't know what, like terrorist weapons, is crossing over our borders. Of particular concern is the increasing use of matricula cards as identification. These cards are obtained with little to no proof of true identity. This is a dangerous precedent, especially with the recent regulations published by the Treasury Department to allow financial institutions to accept these cards. Only illegal aliens would need to carry such cards in order to

open bank accounts, so these regulations seem to endorse illegal immigration. In your judgment and with your background on immigration enforcement, is it possible to ensure that these cards are not used to further illegal immigration? How?

Answer: We believe that the Department of Homeland Security is better situated to respond to this question than is the Department of Justice.

6. **How does the Department of Justice address the following issues:**

   a. **Laws that penalize employers for hiring illegal immigrants are seldom enforced.**

   b. **A person has to be caught sneaking across the border as many as ten times before they are charged with breaking immigration laws.**

   c. **Unless an illegal immigrant is convicted of a serious crime, it's unlikely they will ever be deported.**

   d. **Fraudulent birth certificates and Social Security cards are cheap and easy to obtain.**

   e. **Some States provide illegal aliens with drivers licenses; many businesses accept Mexican identification cards as proof of legal residence in the U.S.**

Answer: In many respects, these questions relate to the exercise of enforcement discretion and the establishment of enforcement priorities by the Department of Homeland Security and we defer to that Department on those issues. However, the Department of Justice agrees that fraudulent birth certificates and Social Security Cards unfortunately are readily obtainable in many areas and are a serious cause for concern. The Department of Justice prosecutes cases involving this kind of fraud when they come to light and resources allow. For example, the United States Attorney's Office for the Eastern District of Virginia has specifically targeted large Social Security frauds on a regular basis through its Immigration and Visa Fraud Task Force. In addition, the United States Attorney's Office for the District of New Hampshire has instituted a program to prosecute document fraud (based in many cases on fraudulent birth certificates) arising out of applications for United States passports. Similar programs are being implemented in other offices.

7. **The Radiation Exposure Compensation Act (RECA) Program of the Department's Civil Division is an important program providing payments to those who contracted certain cancers and other serious diseases as a result of their exposure to certain**

radiation releases. In 2002, the Civil Division received nearly 3,500 claims under the RECA program. In 2001, the Trust Fund established to pay for RECA claims was exhausted and a supplemental appropriation was necessary to solve the funding problem.

Has the Division taken steps to ensure that an exhaustion of the Trust Fund does not reoccur? Furthermore, how has the Division handled its current caseload?

Answer: Congress remedied the Trust Fund situation in FY 2001 by providing an emergency supplemental appropriation. In addition, in December 2001, Congress passed the FY 2002 National Department of Defense Authorization Act, making the Trust Fund a mandatory appropriation and establishing annual funding caps through FY 2011. These caps total $665 million.

The Administration shares the Committee's concern regarding the viability of the Trust Fund and is taking concrete steps to address the projected shortfall. To address the current caseload and resulting need for administrative resources, the President sought additional funding to administer the program in FY 2004. The Consolidated Appropriations Act for FY 2004 earmarked an increase that will provide sufficient resources to relieve claims examiners from clerical tasks and enable them to focus on the resolution of pending claims. For FY 2005, the President's budget specifically addresses the shortfall, proposing a discretionary appropriation of $72 million to supplement the mandatory FY 2005 cap of $65 million.

8. **The Office of Consumer Litigation (OCL) within the Civil Division is tasked with enforcing and defending a range of consumer protection matters in both civil and criminal contexts. The commendable work performed by the OCL includes prosecution of "food fraud" cases, in which certain foods are stretched with cheap fillers, but sold as 100% pure high-value foods. Unfortunately, elsewhere in the legal system there appear to have been attempts to target food manufacturers who are fully compliant with their obligations. In particular, a recent class-action lawsuit in New York sought to hold McDonald's Corporation liable for obesity and health problems in teenagers.**

One response to what may be a litigation abuse is H.R. 339, the "Personal Responsibility in Food Consumption Act." This bill was introduced by Representative Ric Keller of Florida and has been referred to the Subcommittee on Commercial and Administrative Law, of which I am Chair. In sum, H.R. 339 seeks to prevent frivolous lawsuits of the type I've just described. Under the terms of the bill, consumers would not be able to file a lawsuit against food manufacturers, distributors, or sellers unless the plaintiff proves that the product was not in compliance with applicable statutory and regulatory requirements at the time of sale.

What is your reaction to H.R. 339 and similar measures, which would prohibit abuse of the legal system when food manufacturers are in full compliance with appropriate legal and regulatory requirements?

Answer: As a general proposition, we concur that frivolous litigation aimed at punishing those who have succeeded in the marketplace on the basis of the inherent appeal of lawful food products is not desirable. We understand that the Committee recently reported H.R. 339. We are continuing to review this legislation and we will work with the Congress as the bill moves forward.

9. Last year, Congress amended the Violence Against Women Act to enhance the status and stature of the Violence Against Women Office (P.L. 107-273), now re-designated as the Office on Violence Against Women (OVW). A major reason for passage of the Violence Against Women Office Act was a concern that successive Attorneys General might diminish the prominence of the role of the Office within DOJ, especially as the Department sets policies and priorities.

a. Please provide an organizational chart of the Department of Justice indicating clearly where OVW will be located and the lines of reporting authority.

Answer: As noted below, this past July the Department submitted a letter to the chairmen of the House and Senate Appropriations committees notifying them of a planned reorganization that would transfer the Office on Violence Against Woman (OVW) from the Office of Justice Programs (OJP) and establish it as a separate new component within the Department, reporting to the Attorney General in a manner consistent with other major Department organizations. Specifically, the OVW will appear on the DOJ organization chart on a par with such agencies as OJP and the Office of Community Oriented Policing Services, reporting to the Attorney General through the Associate Attorney General. The Congress recently concurred in the reprogramming and the Department is in the final stages of implementing the transfer.

b. How are the requirements of the Violence Against Women Office Act being implemented?

Answer: Working with the affected components, the Department has developed a time line and drafted the necessary agreements in order to ensure continuity of operations for OVW's mission critical activities. In July 2003, the Attorney General initiated the transfer of OVW from the Office of Justice Programs and the establishment of OVW as a separate component within the Department of Justice. On July 18, 2003, the Department submitted a reorganization package to the Chairmen of the House and Senate CJS subcommittees as statutorily required. As stated above, the Department is implementing the transfer.

c. When will implementation be complete?

Answer: Lines of reporting have been in effect since congressional concurrence in the OVW reorganization plan and the additional changes are being implemented expeditiously, in a manner to ensure there is no negative impact upon the continuity of OVW operations.

d. Which functions will be conduced by OVW and which by the Office of Justice Programs?

Answer: OVW will be responsible for all activities authorized under the Violence Against Women Act of 1994 and the Violence Against Women Act of 2000. These mission critical activities include: 1) maintaining liaison with the judicial branches of the Federal and State governments on matters relating to violence against women; 2) providing information to the President; the Congress; the Federal judiciary; State, local, and tribal governments; and the general public on matters relating to violence against women; 3) serving as the Department's representative on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women; and 4) develop policy, protocols, and guidelines; develop and manage grant programs and other programs, and provide technical assistance; and award and terminate grants, cooperative agreements, and contracts as provided for under VAWA.

OVW will rely on OJP's existing mechanisms to provide grants-related services.

e. Which personnel/positions will be transferred?

Answer: The proposed reorganization of OVW includes a total of 43 full-time equivalents.

10. How will you ensure that OVW has the resources and status it needs to carry out its mission?

Answer: Along with all other Department of Justice components, OVW will participate in the Department's strategic planning and budget development activities.

11. Please provide the number of OVW staff, both authorized and filled, for each year since the office was created. Please break this down between policy positions and grant-related positions.

Answer: The OVW staff often handle both policy and grant-related functions. The allowed full time equivalents (FTEs) and the number of positions filled are detailed below.

1997: The OJP Violence Against Women Office was called VAWGO and was authorized 19 FTEs. The JMD policy group (VAWGO) had 8 FTEs authorized.

1998: VAWGO was authorized 23 FTEs and had 22 positions filled. VAWO was authorized 8 FTEs and had 6 positions filled.

1999: The Department reorganized its Violence Against Women Offices, with VAWGO and VAWO becoming VAWO. The total authorized FTEs were 43 and 37 positions were filled. Six or seven employees came to OJP from JMD.

2000: VAWO was authorized 43 FTEs and had 39 positions filled.

2001: VAWO was authorized 46 FTEs and had 42 positions filled.

2002: VAWO was authorized 45 FTEs and had 37 positions filled. The Office of Justice Programs was operating under a hiring freeze, preventing VAWO from operating at authorized personnel levels.

2003: OVW was authorized 43 FTEs and had 38 positions filled.

Today: OVW is authorized 43 FTEs and has 40 employees on board.

12. **You testified at your Senate confirmation hearing that you would not allow discrimination, including discrimination based on sexual orientation, at the Department of Justice. You also agreed that you would treat the gay, lesbian, transgendered employee group, DOJ Pride, the same as other employee organizations at the Justice Department. DOJ Pride has held a June LGBT pride commemoration ceremony or prominent display yearly for the last 6 years and last year Deputy Attorney General Thompson attended their award event.**

Given that commitment can you explain your Department's initial decision not to allow a gay pride recognition scheduled for June 18 at the department?

Answer: DOJPride is one of the many voluntary employee organizations at the Department. All such employee organizations in the Department are accorded the same courtesies with regard to the use of Department facilities. In fact, the Department has indicated repeatedly to DOJPride, as we would to other employee organizations, that it may use Department facilities to hold an event. Indeed, we have long allowed the use of meeting/conference rooms within the Main Justice Building and employee representatives are encouraged to contact the appropriate schedulers to secure the use of these facilities.

The Department does draw a distinction, however, between allowing employee groups to use the facilities and providing Department funding to cover facility setup, audio/visual, photography, etc. The Department does not provide this type of funding for any employee organization, thus ensuring fair and equal treatment of all of the Department's employee organizations.

13. News reports indicated that DOJ spokesman Mark Corallo has said that the Department informed DOJ Pride that DOJ could not sponsor any events without a presidential proclamation.

a. Did the Department sponsor the DOJ Pride commemoration activities in June of 2002 and June of 2001?

Answer: Mr. Corallo explained that senior agency officials had decided late in 2001 that it would not fund any employee group events, given tight budget conditions. As indicated in our answer to question 12, DOJ does not sponsor activities for any employee group. Employee groups work collaboratively with DOJ entities on Departmental programs, but not on programs undertaken solely by an employee group. There were no activities in June 2001. In 2002, DOJ Pride requested Departmental assistance with their June commemoration. The Department's EEO staff provided assistance and a total of $1,105 in financial support, for items such as photographs, artwork for the program and set-up of the Great Hall, to DOJPride.

b. Did President Bush issue a proclamation for LGBT Pride month in 2001 or 2002?

Answer: President Bush did not issue a proclamation for the LGBT Pride month in 2001 or 2002.

c. Did the Department print materials for the 2001 commemoration display?

Answer: There was no 2001 commemoration; DOJ did not print any materials.

14. If this proclamation requirement is a new policy, who made the decision to adopt this new requirement and what was the decision making process?

Answer: The Department's policy regarding these events is not contingent upon the issuance of a proclamation. As indicated in our answer to question 12, our policy is that DOJ employee organizations may use Department facilities to hold an event.

15. Are there other DOJ employee minority organizations likely to be denied sponsorship of their events and activities under this proclamation policy? If any, please provide a complete list.

Answer: See our answer to question 14.

16. If this new proclamation requirement had been in effect since January 2001, which DOJ minority employee organization events or activities would have been ineligible for DOJ sponsorship during that time period?

Answer: No events have been denied or canceled because a White House proclamation was not issued.

17. Please provide:

a. The written policies regarding DOJ employee organizations in effect on June 1, 2003

Answer: There are no written policies responsive to the question.

b. The written policies regarding DOJ employee organizations in effect on June 11, 2003, and indicate any changes from those in effect on June 1, 2003

Answer: There are no written policies responsive to the question.

c. The written policies in effect in June 2000 and June 2002.

Answer: There are no written policies responsive to the question.

18. If the Department has unwritten policies or guidelines for sponsorship of DOJ employee organization events or activities, please provide them in writing.

We understand that you have met with most of the other minority employee organizations at the Justice Department since becoming Attorney General in 2001. You have never met with DOJ Pride, despite their repeated requests to meet with you. Will you meet with them?

Answer: As discussed above, there are no written policies regarding sponsorship of Justice Department employee organization events or activities. However, all Justice Department employee organizations are allowed to schedule the use of meeting space. There is no charge to

any organization for the use of such meeting space. The Justice Department does not "sponsor" activities for any employee group. Employee groups work collaboratively with Justice Department entities on Departmental programs, not on programs that are solely done by an employee group.

A review was done of the Attorney General's scheduling requests. A March 27, 2001, memo was identified that was jointly signed by all minority employee organizations, including the DOJ Pride Chairperson, requesting an introductory meeting. There is no separate request from DOJ Pride.

19. Civil Rights, Hate Crimes, Discrimination (submitted by Reps. Baldwin, Meehan & Nadler)

Recent Congressional testimony by Assistant Attorney General for Civil Rights Ralph Boyd before the House Judiciary Subcommittee on the Constitution describes "13 Federal prosecutions" of bias-motivated crimes-some of which he referred to as "backlash" crimes against Middle Eastern, Muslim, and South Asian individuals in the aftermath of the September 11, 2001 terrorist attacks. Please provide the following clarifications about these Federal prosecutions.

a. Please provide a summary of the facts in each of these prosecutions.

b. Please inform the Committee under which Federal Criminal Civil Rights statutes these prosecutions have gone forward.

Answer: Federal charges have been brought in 13 cases involving 18 defendants. The Civil Rights Division and United States Attorneys' offices are working together on those cases. Seventeen of the Federal defendants have been convicted or pled guilty. The remaining defendant died of self-inflicted injuries while incarcerated. These cases are:

1) On October 15, 2002, in the Eastern District of Texas, the United States filed a criminal information against Norman Lee Warden charging a violation of 18 U.S.C. § 922(g)(1) (possession of firearm by a felon). On this same date Warden pled guilty to the charge and on January 23, 2003, he was sentenced to 37 months in prison. Warden also pleaded guilty to state arson charges and was sentenced to 16 years in prison. The prosecutions resulted from Warden' s setting fire to gas pumps at a convenience store owned by a Middle Eastern man, and leaving a threatening note at the scene.

2) On October 30, 2002, in the Eastern District of California, the United States indicted Matthew John Burdick under 18 U.S.C. §§ 111, 1001, 922 and 924 and 21 U.S.C. § 841 for wounding a Sikh postal carrier with a pellet gun in Sacramento. He pled guilty on

May 28, 2003, and on September 17, 2003, he was sentenced to 70 months in prison and ordered to pay $25,395 in restitution.

3) On August 23, 2002, in the Middle District of Florida, the United States filed a criminal complaint against Robert Goldstein under 26 U.S.C. § 5861 and 18 U.S.C. § 247 for plotting to destroy the Islamic Center of St Petersburg, Florida. On April 3, 2003, Robert Goldstein pled guilty to violating 18 U.S.C. §§ 241, 844(i) and 26 U.S.C. § 5861 and was sentenced to 151 months on June 19, 2003. Goldstein's wife, Kristi Goldstein, pled guilty to violating 26 U.S.C. § 5861 on February 26, 2003 and was sentenced to 37 months incarceration on June 13, 2003. Michael Hardee pled guilty on October 9, 2002 to a civil rights conspiracy in violation 18 U.S.C. § 241 for his role as driver in the plot and on May 1, 2003, Hardee was sentenced to 41 months of incarceration. A fourth defendant, Val Shannahan, was arrested on September 26, 2002 and charged with one count of violating 26 U.S.C. §5861. Shannahan pled guilty to the charge on April 16, 2003. He was sentenced to 56 months in prison on October 8, 2003.

4) On March 28, 2002, in the Northern District of Florida, the United States filed a criminal complaint against Charles D. Franklin under 18 U.S.C. § 247 for driving his pickup truck into the door of the Islamic Center Mosque in Tallahassee, Florida. Franklin was indicted on the same charge on April 16, 2002, and a superseding indictment was returned on June 21, 2002. He pled guilty on November 8, 2002. However, Franklin subsequently withdrew his plea, and on February 21, 2003, was convicted at trial of violating 18 U.S.C. § 247. On May 19, 2003, he was sentenced to 37 months in prison.

5) On February 14, 2002, in the District of Massachusetts, the United States filed a criminal information against Zachary J. Rolnik under 18 U.S.C. § 245 for placing a telephone call to Dr. James J. Zogby, the president of the Arab American Institute, in which Rolnik threatened to kill Dr. Zogby and his children. On June 6, 2002, Rolnik pled guilty to the charge and was sentenced on August 28, 2002, to 2 months in a community corrections center and a $5,000 fine.

6) On December 12, 2001, in the Central District of California, the United States filed a criminal complaint against Irving David Rubin and Earl Leslie Krugel pursuant to 18 U.S.C. § § 371, 844, and 924 for conspiring to damage and destroy, by means of an explosive, the King Fahd mosque and for possessing an explosive bomb to carry out the conspiracy. On January 10, 2002, Rubin and Krugel were indicted under 18 U.S.C. §§ 371, 2332, 844, 924, 373, 922, and 5861, which additionally included charges related to the defendants' alleged attempts to damage and destroy, by means of an explosive, the office of the Muslim Public Affairs Council and the district office of U.S. Representative Darrell Issa. On November 13, 2002, Rubin died from self-inflicted wounds while incarcerated. Krugel pled guilty on February 4, 2003, and sentencing is scheduled for February 2, 2004.

7) On December 5, 2001, in the Eastern District of Michigan, the United States filed a criminal information against Justin Scott-Priestley Bolen under 42 U.S.C. § 3631 for placing a threatening phone call to the answering machine of a Pakistani American. On February 6, 2002, Bolen pled guilty to violating 42 U.S.C. § 3631, and was sentenced to a term of 10 months in prison on May 14, 2002.

8) On November 9, 2001, in the Western District of Wisconsin, the United States filed a criminal complaint against Wesley Fritts under 18 U.S.C. § 876 for sending fake anthrax and anti-religious references in the mail to a restaurant and to a U.S. Air Force recruiting station. On November 28, 2001, Fritts was indicted under 18 U.S.C. §§ 876 and 2332. On March 4, 2002, Fritts pled guilty to violating 18 U.S.C. § 2332, and on May 13, 2002, he was sentenced to a term of 21 months in prison.

9) On November 7, 2001, in the Western District of Wisconsin, the United States indicted Thomas Iverson under 18 U.S.C. § 844 for making two threatening phone calls, one to a Jordanian American threatening to burn down his liquor store in Beloit, and another to 9-1-1 threatening to bomb the same store. On January 31, 2002, Iverson pled guilty to violating 18 U.S.C. § 844, and on April 12, 2002, he was sentenced to 27 months incarceration.

10) On October 9, 2001, in the Western District of Texas, the United States indicted Joe Luis Montes under 47 U.S.C. § 844. On December 4, 2001, the United States Attorney's Office dismissed the indictment and filed a superseding information against Montes under 47 U.S.C. § 223 for making a telephone bomb threat against South Asians working at a truck stop. On December 4, 2001, Montes pled guilty to violating 47 U.S.C. § 223, and on January 30, 2002, he was sentenced to two years probation and a $500 fine.

11) On September 27, 2001, in the Eastern District of Tennessee, the United States filed a criminal complaint against Jason Brandon Kitts and Travis Lynn Kitts under 18 U.S.C. § 245 for assaulting two persons of Indian descent who managed a motel. Both men pled guilty. Jason Kitts was sentenced to 20 months incarceration and Travis Kitts was sentenced to 36 months incarceration on December 10, 2002.

12) On September 26, 2001, in the District of Utah, the United States indicted James Herrick under 18 U.S.C. § 245 for filling two glass jars with pillow stuffing and gasoline, placing them against a wall of a Pakistani-American owned restaurant, and lighting the jars, which damaged the exterior wall of the restaurant. On October 24, 2001, Herrick pled guilty to violating 18 U.S.C. § 245, and on January 7, 2002, he was sentenced to 51 months incarceration.

13) On September 26, 2001, in the Western District of Washington, the United States indicted Patrick Cunningham under 18 U.S.C. §§ 844, 247, and 924 for shooting at two Muslim worshipers and for dousing two cars with gasoline in an attempt to ignite them

and cause an explosion that would damage or destroy the Islamic Idriss Mosque. On May 9, 2002, Cunningham pled guilty to violating 18 U.S.C. §§ 247 and 924 and was sentenced to 78 months incarceration on December 17, 2002.

20. Mr. Boyd's statement referenced a total of 90 bias-motivated "backlash" prosecutions initiated by Federal, State, and local prosecutors.

a. How were the cases brought by Federal prosecutors chosen?

Answer: The number of cases in which the Civil Rights Division has coordinated with state and local prosecutors in non-Federal bias-motivated "backlash" prosecutions is 121, as of January 1, 2004. In all of our prosecutions of bias-motivated crimes, we consult with State and local authorities at the earliest occasion to assess how best to proceed. Factors that may affect the decision to pursue State or Federal charges include the multi-jurisdictional nature of the incident, the availability of investigative resources, peculiarities of the case that strengthen the Federal interest, legal advantages of the State or Federal system, and the penalties available. Where the State is pursuing the matter and there are no significant advantages to a Federal prosecution, the Civil Rights Division will monitor the State prosecution. Once the State process is completed, the Division will assess the outcome and determine whether the Federal interest has been vindicated by the State prosecution.

b. Please identify which of the indictments under Federal Criminal Civil Rights statutes took place after State authorities declined to prosecute the case, or failed in their effort to successfully prosecute a bias-motivated case.

Answer: None of the cases prosecuted to date followed a failed State prosecution or a refusal by State authorities to prosecute. In the Burdick, Goldstein, Franklin, Bolen, Fritts, Kitts, and Herrick cases, State authorities cooperating with the Department of Justice agreed to let the Federal prosecution proceed, and in that sense they decided not to prosecute in lieu of the Federal prosecution.

c. To the extent that you know, what was the outcome in each of the cases brought by State and local prosecutors, including information on the number of successful convictions and the length of sentences imposed?

Answer: We do not keep records on these cases in a form that would enable us to provide a full and up-to-date response to this question. These local prosecutions are monitored by a combination of attorneys in Main Justice, FBI agents in the field, and assistant United States attorneys throughout the country.

21. **Please provide summary information about all other Federal prosecutions under 18 U.S.C. 245 and each of the other Federal Criminal Civil Rights statutes for the past six years, by year.**

Answer: The information is attached.

22. **According to the May 6 *Washington Post*, Federal prosecutors have decided to drop two of four murder counts against a Maryland man accused of killing two women at a secluded campsite in Shenandoah National Park because of their sex and sexual orientation. The article states: "the government intends to argue that 'part of Rice's intent and motivation' was to single out the women because of their gender and sexual orientation." Prosecutors have quoted Rice as saying he selected women to intimidate and assault because "they are more vulnerable than men" and that Winans and Williams "deserved to die because they were lesbian whores."**

If the assertions in this article are correct – with prosecutors relying on bias on gender and sexual orientation grounds as a crucial element of the motivation for this murder – why have the specific hate crime counts of the indictment been dropped?

Answer: On February 6, 2004, the Justice Department authorized prosecutors in the Western District of Virginia to withdraw the Government's notice of intent to seek the death penalty. Later that day, the Government moved to dismiss the indictment, without prejudice, against Darrell Rice. Because this continues to be an active investigation, no further comment would be appropriate. However, the Department remains committed to aggressively investigating and prosecuting crimes of violence motivated by hate.

23. **Please provide information on the number of prosecutions under the Freedom of Access to Clinic Entrances Act over the past four years, by year. Please include a summary of the cases in which the Civil Rights Division has brought indictments over the past four years, by year.**

Answer: In fiscal year 2000, the Department charged three defendants in two cases with FACE-related violations:

1) In *United States v. Williams and Williams* (E.D. Cal.), two brothers pleaded guilty to Federal civil rights violations in connection with an arson at the Choice Medical Group clinic as well as arsons at three synagogues. The two were sentenced to 30 years and 21 years in prison, respectively.

2) In *United States v. Reece* (N.D. Miss.), one defendant pled guilty to a FACE charge for placing a threatening call to the New Women Medical Clinic in Jackson, Mississippi.

The defendant was sentenced to six months home confinement and three years supervised release, and was ordered to undergo anger management and mental health counseling.

In fiscal year 2001, the Department charged four defendants in three cases with FACE- related violations:

1) In *United States v. Kopp* (W.D.N.Y.), James Kopp was charged with FACE and firearms violations in connection with the murder of an abortion provider, Dr. Barnett Slepian. Kopp became a fugitive, was eventually apprehended in France, and was extradited. He has pleaded guilty to second degree murder charges in New York State court, and trial of the Federal charges is pending.

2) In a related matter, *United States v. Marra and Malvasi* (E.D.N.Y.), two defendants pleaded guilty to aiding Kopp in his fugitive status, and were sentenced to time served after twenty-nine months in prison.

3) In *United States v. Morency*, (D.N.J.), one defendant pled guilty to a FACE charge as well as possession of child pornography. The defendant posted an internet notice purporting to offer $1.5 million to anyone who killed an abortion provider. The defendant was sentenced to 30 months in prison to be followed by three years supervised release.

In fiscal year 2002, the Department charged one defendant with a FACE-related violation. In *United States v. MacDonald* (E.D. Ark.), the defendant pled guilty to a FACE charge for shooting an AK-47 into the Little Rock Family Planning Services reproductive health care facility. The defendant was sentenced to five years probation, ordered to undergo mental health counseling and drug testing/treatment, and ordered to pay restitution.

In fiscal year 2003, the Department charged three defendants in three cases with FACE-related violations.

1) In *United States v Waagner* (E.D. Penn.), defendant Clayton Lee Waagner was convicted of 51 counts of violating FACE, mailing and internet transmission of threats, and threatening use of a weapon of mass destruction in connection after he sent hundreds of letters threatening to contain anthrax to abortion providers across the country. Sentencing is set for June of 2004.

2) In *United States v. Bird* (S.D. Tex.), the defendant was charged with violating FACE after driving a van into the front entrance of the Planned Parenthood Clinic located in Houston. Bird was previously convicted of violating FACE for threatening an abortion provider, and faces a sentence of up to three years if convicted for this subsequent offense. The District Court recently dismissed the indictment, finding FACE unconstitutional. The Department has filed a protective notice of appeal.

3) In *United States v. Ferguson* (N.D. Tex.), the defendant pled guilty to violating FACE after making phone calls to Planned Parenthood of Northern Texas in which he threatened to kill the CEO and his family. The defendant was sentenced to nine months in prison to be followed by one year probation.

24. The President's Faith-Based Initiative creates, for the first time, the possibility of federally-funded employment discrimination on the basis of religion. What is the view of the Department on this government-subsidized religious discrimination?

Answer: The White House Office of Faith-Based and Community Initiatives recently issued a report entitled "Protecting the Civil Rights and Religious Liberty of Faith-Based Organizations," which addresses the question of whether faith-based organizations should be required to give up their right to define their character and mission in order to participate in federally funded social service programs. In this report, the President stated very clearly that they should not: "[G]overnment can and should support social services provided by religious people, as long as those services go to anyone in need, regardless of their faith. And when government gives that support, charities and faith based programs should not be forced to change their character or compromise their mission." The report outlines three key principles: 1) that recipients of Federal funds should not discriminate against program beneficiaries based on religion, or condition receipt of benefits on participation in religious activities; 2) that no Federal money should go to inherently religious activities; and 3) that religious organizations receiving Federal funds retain their right "to hire those individuals who are best able to further their organizations' goals and mission." Part of this right to hire individuals best able to further the goals and mission of the organization is a religious institution's right, under Title VII of the Civil Rights Act of 1964, to take religion into account in hiring and employment decisions.

While the Department only has enforcement authority over Title VII claims against State and local governments, and thus this religious institution provision cannot arise in our Title VII cases, the Department is in full agreement with the President on this issue. As to the Department's own programs, we have promulgated a final rule entitled "Participation in Department of Justice Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants." The rule is accessible at http://www.ojp.usdoj.gov/fbci/docs/fbfedregdojfinalrule.pdf.

25. The Illicit Drug Anti-Proliferation Act of 2003 (a.k.a. the RAVE Act, Section 608 of the PROTECT Act passed by Congress in April 2003) amended the Controlled Substances Act to make it unlawful to lease, rent, or use (previously only to open and maintain) a place for manufacturing, distributing, or using a controlled substance, or to manage or control a place for such use. Significant concern has been expressed as to the potential for inappropriate use of this new authority.

a. Will DOJ or the DEA issue regulations regarding implementation and use of the Illicit Drug Anti-Proliferation Act?

Answer: DEA has issued worldwide guidance to its personnel "regarding implementation and use of the Illicit Drug Anti-Proliferation Act." The Department of Justice has not issued any other regulations on this particular Act, but has issued guidance through a memorandum from the Deputy Attorney General discussed below in response to Question 25(d).

b. If yes, when?

Answer:

1) On May 15, 2003, DEA's Office of Chief Counsel issued a memorandum describing the IDAPA amendments to 21 U.S.C. § 856 to all DEA divisions. Further, this memorandum was then placed on the "Chief Counsel" site located on "WebSter," DEA's intranet electronic library, thus making it available to all DEA personnel.

2) On June 17, 2003, the DEA Acting Administrator issued a teletype addressed to "DEA Worldwide," the subject line of which was "Specific Guidance Required for Utilization of the Illicit Drug Anti-Proliferation Act of 2003; Amendment to 'Crackhouse' Statute, Title 21, U.S.C. 856." After referencing the May 15, 2003, Chief Counsel memorandum noted immediately above, the teletype provided supplemental guidance, explanatory text, and directed, among other things, that "[i]n order to ensure consistency in the application of this new statute, DEA personnel must consult the Office of Domestic Operations (DO) and the Domestic Criminal Law Section (CCM) before taking any enforcement or investigative action under the statute. Also, before advising any person or organization that the statute may apply to a specific event, DEA personnel must consult with DO and CCM."

3) On June 20, 2003, DEA posted explanatory information about the IDAPA captioned "New Drug Law Protects Children[;] Unscrupulous Event Promoters Targeted" on its Internet website, www.dea.gov, thus making the material available both to DEA personnel worldwide and to the public at large.

4) On July 3, 2003, DEA posted a synopsis of a recent Federal appellate court decision involving 21 U.S.C. § 856(a)(2), *McClure v. Ashcroft*, No. 02-30357, 2003 WL 21418097 (5th Cir. Jun. 20, 2003), on the "Chief Counsel" site located on "WebSter," DEA's intranet electronic library, thus making it available to all DEA personnel.

c. If no, why not?

Answer: Although no formal regulations have been issued, DEA has provided guidance both to its own personnel and to the general public regarding the implementation and use of the IDAPA. Please see response to question 25(b), above.

d. Has the Department or DEA provided guidelines to agents in the field and U.S. Attorneys about the appropriate use of this new authority?

Answer: DEA has issued guidance several times to its personnel worldwide concerning the appropriate use of this new authority. Please see response to question 25(b), above.

On September 4, 2003, then Deputy Attorney General, Larry Thompson, issued a memorandum to United States Attorneys advising them of the passage of the Illicit Drug Anti-Proliferation Act and its basic provisions. Attached to the memorandum was a draft sample letter that could be used to communicate with businesses and individuals involved in rave events. The memorandum provided no further DOJ guidance regarding the use of the Act.

e. If yes, please provide a written copy.

Answer: The memorandum is attached.

f. If no, why not?

Answer: N/A.

26. Property owners and concert promoters have expressed concerns that they could face serious Federal charges under the Illicit Drug Anti-Proliferation Act even though they were not encouraging or assisting the use of illegal substances, and even if they take steps to stop drug offenses on their property.

a. Will the Department or DEA provide clear guidance in determining what actions will result in liability under this act and what actions will not?

Answer: DOJ recently responded to a similar question from Senator Biden. The concern that innocent persons could be held criminally liable under the IDAPA is unfounded, because the Act – like the pre-existing law – has an intent element that limits its scope significantly. The statute only criminalizes actions of business owners and others that are knowingly undertaken for the purpose of unlawful drug activity, such as manufacturing, distributing or using any controlled substance. Thus, for example, a person who knowingly maintains or rents a place to carry out such an illegal purpose would violate the law. Similarly, a person who manages or controls a place as an owner or occupant, and who knowingly and intentionally profits from illegal drug activity by others would violate the law as well. A club owner who has not acted in a knowing manner for the purpose of illegal drug activity, or has not made himself willfully blind to such

activity, would not possess the requisite intent to violate prior or current law. Given the clear intent requirement, additional guidance has not been issued.

However, DEA has issued guidance several times to its personnel worldwide regarding "what actions will result in liability under this act and what actions will not." Please see response to question 25(b), above. This set of guidelines includes the observation about the IDAPA made in the June 17, 2003, teletype referenced above that "prosecution proof thresholds for 'knowledge' and 'intent' remain unchanged to protect those innocently involved such as bona fide managers of stadiums, arenas, and performing arts centers." This same teletype added that "legitimate property owners and event promoters would not be violating the act simply based upon or just because of illegal patron behavior" and that "the First Amendment to the U.S. Constitution provides protection for a number of activities including the exercise of free speech and the right to peaceably assemble. Thus, applying this statute to an event such as a meeting, conference, concert, fundraising event, an event involving the advocacy of ideas, or other assembly of persons, may have First Amendment implications." This last sentence is followed in the teletype by the adjuration noted in response to question 25(b), above, that DEA personnel encountering such gatherings or events are to contact DEA headquarters before proceeding further.

b. Will the Department or DEA use sale of water, or the free distribution of water, at a place or event, as evidence to help prove an owner, agent, employee, occupant or mortgagee knowingly and intentionally rented, leased, profited from, or made available for use a place for the purpose of unlawfully manufacturing, storing, distributing or using a controlled substance?

Answer: The assertion by some critics of the IDAPA that it somehow criminalizes the sale of water is unfounded. Indeed, DOJ and DEA recognize that the sale or distribution of water cannot, standing alone, give rise to prosecution under the statute. However, it has long been recognized that otherwise innocent or lawful actions may, when considered together in the context of a specific situation, legitimately give rise to reasonable suspicion of unlawful activity. *See, e.g., United States v. Arvizu,* 534 U.S. 266 (2002). Accordingly, investigators and prosecutors must consider the totality of circumstances in each case and how these circumstances apply to the law in question.

Further, the Department is not unmindful of IDAPA sponsor Senator Joseph Biden's apt observations, as reflected in his remarks contained in the January 28, 2003, edition of the Congressional Record:

> Unscrupulous promoters get rich as they exploit and endanger kids. Some supplement their profits from the $10 to $50 cover charge to enter the club by selling popular Ecstasy paraphernalia such as baby pacifiers, glow sticks, or mentholated inhalers. And predatory party organizers know that Ecstasy raises

the core body temperature and makes the user extremely thirsty, so they sell bottles of water for $5 or $10 apiece. Some even shut off the water faucets so club goers will be forced to buy water or pay admission to enter an air-conditioned 'cool-down room.'

c. If yes, under what circumstances and how would that evidence be used in a prosecution?

Answer: Because proof of each crime rises and falls upon its own unique set of facts, it is hazardous to hypothesize "under what circumstances" the "sale of water, or the free distribution of water, at a place or event," would be used as evidence to help prove an owner, agent, employee, occupant or mortgagee knowingly and intentionally rented, leased, profited from, or made available for use a place for the purpose of unlawfully manufacturing, storing, distributing or using a controlled substance. That said, law enforcement authorities cannot and, indeed, should not ignore the trappings and indicia of the rave drug culture that are present at events, which 21 U.S.C. § 856, as now amended, is designed to address. They can well provide links in a chain of otherwise apparently unrelated facts that can result in a successful presentation of criminal conduct to a jury. The additional occurrence of manifestly illegal conduct, to include the presence of controlled substances, will, of course, be key. The Department of Justice is very well aware that for a successful prosecution to lie, the high statutory proof thresholds of "knowledge" and "intent" on the part of wrongdoers must be sufficiently demonstrated. For the purpose, "knowledge" requires that an act be done "voluntarily and intentionally and not because of accident or mistake." *See United States v. Bilis*, 170 F.3d 88, 92 (1st. Cir.), *cert. denied*, 528 U.S. 911 (1999). Further, the statute requires both that a "purpose" of the event be for unlawful drug-related activity and that the suspect either be culpably connected to that activity or otherwise be deliberately or "willfully blind" to it. "Willful blindness" is said to exist where the suspected wrongdoer is found to have "deliberately closed his eyes to a fact that otherwise would have been obvious to him[;]" "mere negligence or mistake in failing to learn the fact is not sufficient." *Id.*

d. Will the Department or DEA use the presence of legal items, such as, but not limited to, glow sticks, as evidence to help prove an owner, agent, employee, occupant or mortgagee knowingly or intentionally rented, leased, profited from, or made available for use a place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance?

Answer: Please see the response to question 26(b).

e. If yes, under what circumstances and how would it be used in a prosecution?

Answer: Please see the response to question 26(c).

f. Will the Department or DEA use implementation of public safety measures, such as, but not limited to, having paramedics on call, to help prove an owner, agent, employee, occupant or mortgagee knowingly and intentionally rented, leased, profited from, or made available for use a place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance?

Answer: Please see the response to question 26(b).

g. If yes, under what circumstances and how would it be used in a prosecution?

Answer: Please see the response to question 26(c).

h. Will the Department or DEA use the playing of certain types of music, such as, but not limited to, house, techno, hip hop, rap, trance, industrial or electronica music, as evidence to help prove an owner, agent, employee, occupant or mortgagee knowingly or intentionally rented, leased, profited from, or made available for use a place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance?

Answer: Please see the response to question 26(b).

i. If yes, under what circumstances and how would it be used in a prosecution?

Answer: Please see the response to question 26(c).

j. How will the Department or DEA ensure that this authority will not be used against owners, agents, employees, occupants and mortgagees who have taken reasonable and prudent actions to prevent drug crimes on their property?

Answer: The Department will not seek to prosecute those who, at all relevant times, have taken "reasonable and prudent actions to prevent drug crimes on their property," and, thereby, have not engaged in, or are not suspected to have engaged in, any criminal activity. On the other hand, measures undertaken after criminal activity has taken place, especially if such activity was egregious, or which were taken simply to placate law enforcement will be viewed in that context.

Although no set of procedural safeguards is foolproof, the Department believes the guidance DEA has promulgated, as summarized in our response to question 25(b), above, coupled with DEA's mandate that all suspected 21 U.S.C. § 856 scenarios be discussed with both DEA Headquarters senior management and legal counsel, will ensure against misunderstanding and misapplication of the IDAPA. Additionally, investigations proceeding toward prosecution

are under the further guidance and supervision of DOJ prosecuting attorneys, as well as screening by Federal grand juries.

k. Would you support new regulations or a change to the statute to create a "safe harbor" for owners, agents, employees, occupants and mortgagees under which they would be protected from prosecution if appropriate prior actions to prevent illegal drug use were taken?

Answer: The Department does not believe that new regulations are needed. The internal requirements issued by DEA, along with ultimate review by Department of Justice prosecuting attorneys, provide sufficient safeguards to prevent abuse of the statute. Given the wide variety of circumstances under which this statute could apply, it is not feasible to provide meaningful regulations. Any such regulations would necessarily be so generic as to provide little effective guidance, either to law enforcement or to club owners and rave promoters. Furthermore, the issuance of any such regulations could simply provide a blueprint for actual violators to evade prosecution. Under current policy, DEA personnel must consult with Headquarters management officials and agency counsel before taking any enforcement or investigative action under the statute; likewise they must do so even before approaching any private person or organization about possible application of the statute to a particular event or case. This proactive, case-specific review provides more effective protection for owners, agents, employees, occupants and mortgagees than would the issuance of generic, non-specific regulations.

27. Concerns have been expressed that the broad authority provided by the Illicit Drug Anti-Proliferation Act could have a chilling effect on freedom of expression. What steps will the Department and DEA take to ensure that owners, agents, employees, occupants and mortgagees are allowed to organize or allowed to undertake legal activities, such as, but not limited to, concerts, dances, or performances, without having to fear harassment, intimidation or prosecution?

Answer: The Department is mindful of the perceived impact on First Amendment protections of the enforcement of this statute. However, the IDAPA does not take aim at free expression or association; it does not seek to squelch the "rave culture" – except insofar as it encourages or facilitates illegal drug activity.

DEA already has issued guidance to its personnel alerting them to the potential First Amendment implications of the statute and directing close consultation with Headquarters senior management and agency legal counsel prior to any investigative or enforcement activity under the statute. Also, under longstanding Department of Justice and DEA policy, any undercover activity by DEA agents or informants that involves participation in an organization under circumstances that may influence the exercise of rights protected by the First Amendment is considered a "sensitive investigative activity." As such, it requires a thorough Headquarters

review and approval process prior to any action being taken. This process includes review by both DEA and DOJ attorneys, as well as by senior-level management officials.

28. **There are reports that on May 30, 2003, a DEA Agent informed managers of the Eagles Lodge in Billings, Montana that the Lodge could be fined up to $250,000 if anyone smoked marijuana at the event. After consulting their attorneys, the Eagle Lodge canceled the event. This report is very disturbing.**

    a. **Will you ask the DOJ Inspector General to conduct an inquiry into this report?**

Answer: Every allegation of misconduct or criminal activity by a DEA employee is investigated by the Office of Professional Responsibility (OPR) in a thorough, timely and unbiased manner. The Department of Justice's Office of the Inspector General (OIG) provides continuous oversight of OPR.

An initial review of the matter indicated that, while the individual DEA Special Agent had misinterpreted the "Rave Act" when he gave advice to Eagles Lodge management, no violation of DEA's Standards of Conduct occurred. Consequently, no further investigation or referral to the OIG is warranted.

    b. **Does the DOJ or DEA have a formal or informal policy or guidelines of informing venue owners that hosting particular events many make them liable under the Illicit Drug Anti-Proliferation Act?**

Answer: The Department does not have a policy specifically addressing whether and under what conditions investigators or attorneys will or should advise venue owners that particular events may make them liable under the Illicit Drug Anti-Proliferation Act.

However, as noted, the September 4, 2003, Memorandum to United States Attorneys did note the importance of educating organizers, property managers and others involved in rave-type events. To this end, the memorandum provided a draft sample letter that could be used to educate those involved in rave events of existing Federal law. The use of the letter was not mandated, and the circumstances under which it should be used were left to the discretion of the United States Attorneys in each district, who are most familiar with the particular businesses and individuals in their districts and the circumstances under which those businesses or individuals may or may not be engaged in conduct which would violate the IDAPA.

Moreover, as noted, DEA enunciated a policy to all of its offices worldwide in a June 17, 2003, teletype directing DEA personnel to contact Headquarters and consult with both senior leadership and the agency Office of Chief Counsel before taking any enforcement or investigative action under the statute and, importantly, before "advising any person or

organization that the statute may apply to a specific event." In this manner, decisions concerning whether and how to apply the statute can be centrally and uniformly made.

c. If yes, please provide a copy of the policy that includes, but is not limited to, the standard for determining which type of events and which venue owners are given warnings.

Answer: N/A.

d. If no, who determines the appropriateness of an agent of DOJ or DEA approaching an owner, agent, employee, occupant or mortgagee prior to an event to inform them about the provision of the Illicit Drug Anti-Proliferation Act or other similar anti-drug laws?

Answer: Please see the response to question 28(b).

e. What actions will the Department and DEA take to ensure the exercise of Constitutionally protected activities, such as, but not limited to, political advocacy, protests or rallies?

Answer: Please see responses to questions 26(a), 26(j), 27 and 28(b).

29. Since November 2000, attorneys for Jonathan Pollard, have been requesting access to the sealed portions of five documents that are in the court docket in United States v. Pollard, U.S. Dist. Ct., Dist. of Columbia, Case No. 86-0207 (TFH). The documents consist of a declaration by then-Secretary of Defense Caspar W. Weinberger, and several related documents. The classified portions of these five documents total approximately 35 to 40 pages. In 1987 they were made available to Mr. Pollard and his then-attorney. Despite the existence of a protective order that contemplates access by future attorneys for Mr. Pollard, no attorney for Mr. Pollard has been permitted to see these docket materials since Mr. Pollard was sentenced to life in prison on March 4, 1987.

Since May 2000, Mr. Pollard has been represented by Mr. Lauer and Mr. Semmelman. They are partners in the law firm, Curtis, Mallet-Prevost, Colt & Mosle LLP. Upon entering the case, counsel applied to the DOJ for whatever security clearance was appropriate to view the classified docket materials. After a thorough background investigation, counsel were notified by the DOJ that they had been granted the appropriate "Top Secret" security clearance. Counsel asked the DOJ for permission to view the documents in a secure government facility. The DOJ refused. Counsel filed a motion in the U.S. District Court for the District of Columbia, asking the court to allow access to the docket materials. In opposition to the motion, on January 11, 2001 an Assistant US Attorney represented to Judge

Norma Holloway Johnson that counsel "don't have the right clearances," namely, the Sensitive Compartmented Information ("SCI") clearance needed to access the docket materials. As a result, the Judge refused to allow access.

On August 3, 2001, DOJ court security officer Michael Macisso admitted in writing that these attorneys had the proper security clearances, and that, contrary to the representation made to Judge Johnson, the DOJ's background investigation had determined them fully eligible for "SCI" clearance.

Based upon Mr. Macisso's letter, Mr. Pollard's attorneys filed a motion with the U.S. District Court on August 16, 2001 asking the court to modify its ruling on the ground that it was based upon a false representation by the government, namely, that counsel lacked the proper clearance to view the documents. That motion has been pending now for almost 22 months. It was opposed by the DOJ and remains undecided by the court.

On September 10, 2001, Assistant Attorney General Daniel J. Bryant informed me in writing that between 1993 and 2001 there have been at least 25 instances of access to these docket materials by government staff. Because the documents are court filings-not intelligence reports-it is evident that these 25 instances of access relate to efforts by government personnel to oppose relief for Pollard.

Mr. Attorney General, on June 6, 2001, you testified before this Committee. I asked you if there was any reason why I should not be accorded access to the sealed sentencing memorandum submitted by Secretary Weinberger. I also told you that Mr. Pollard' s new attorneys were being denied access to the document by the DOJ. I asked you if you would agree to accord them access. You told me you would look into the matter.

I did not receive any further communication from you. On January 7, 2002, I wrote to you, reminding you of your statement to me, and providing you with additional information about the case. I received no response to my letter.

Since then, the DOJ has vigorously opposed a request by Mr. Pollard's attorneys for a status conference with the court to discuss how it came about that the DOJ made an incorrect representation regarding counsel's clearance level, and why the DOJ was resisting every effort to correct the record and to establish the truth.

A recent article by John Loftus, a former DOJ attorney, indicates that at Mr. Pollard's sentencing the government erroneously attributed to Mr. Pollard serious acts of wrongdoing that were later determined to have been the work of Aldrich Ames. Mr. Loftus contends the government is continuing to this day to perpetuate a cover up of this mistake.

As a Member of Congress and of this Committee, I am deeply disturbed by the DOJ's resistance to allowing Mr. Pollard 's attorneys, as well as myself, to see the docket materials. Mr. Pollard's attorneys plainly need to know what is in these documents so that they can represent their client effectively. I am likewise disturbed by the documented evidence that a DOJ attorney made a false statement to the court regarding counsel's level of clearance, and by the DOJ's refusal to rectify the record and do what is just in this matter.

a. **Since the DOJ has allowed at least 25 instances of access to the docket materials by government staff opposing efforts on behalf of Mr. Pollard, on what basis does the DOJ continue to oppose efforts by Mr. Lauer and Mr. Semmelman, security-cleared attorneys for Mr. Pollard, as well as myself, a Member of Congress, to look at these 16-year old court documents in a secure location?**

b. **Wouldn't you agree that Mr. Pollard's attorneys and a Member of Congress have as much need to know what is in these documents as do the government staffers who have been permitted access to the documents at least 25 times to oppose relief for Mr. Pollard?**

c. **When the Assistant US Attorney incorrectly told the Judge in 2001 that counsel lacked the proper clearances, was that just an error or was the DOJ provided with false information by another agency?**

d. **Why has there been such resistance by the DOJ to rectifying the record and establishing the that the attorneys have the proper clearance? What will you do to rectify this?**

Answer: With regard to Mr. Jonathan Pollard, who admitted his guilt and pled guilty in June, 1986, to conspiracy to commit espionage against the United States in violation of 18 U.S.C. § 794(c), you have asked several related questions concerning ongoing litigation in Federal court. Mr. Pollard filed a motion requesting reconsideration of prior judicial denials of access by defense counsel to certain classified documents in the United States District Court for the District of Columbia. That motion requested that the court reconsider its previous ruling that the Department of Justice had properly denied defense counsel access to the subject documents. On November 12, 2003, Chief Judge Thomas Hogan denied Mr. Pollard's motion for reconsideration. On that same day, the court denied another motion brought by Mr. Pollard that requested reconsideration of an order relating to appealability of a previously dismissed motion for relief under 28 U.S.C. § 2255. Mr. Pollard has appealed the court's November 12, 2003 ruling and the case is pending in the United States Court of Appeals for the District of Columbia Circuit. In light of the pending appeal, further comment is not appropriate at this time.

We note that the Department responded to the January 7, 2002, letter inquiry on November 20, 2002. We have attached a copy of this response.

30. In a January 2002 letter, I asked you to initiate a DOJ investigation into whether Clear Channel Communications, Inc. was violating anti-trust laws. Among other things, I relayed widespread reports that Clear Channel-owned radio stations have tied air play of some musicians' music to their use of a Clear Channel-owned concert promotion company.

Three months after I sent my letter, Assistant Attorney General Dan Bryant responded that the DOJ was monitoring the situation, and was willing to receive any information "about practices that might raise antitrust concerns warranting an investigation." I found it somewhat curious that DOJ would essentially ask Congress and private parties to do the investigating for it. Nonetheless, over the course of the next year, I encouraged the many people who continued to contact me with credible concerns, to in turn, relay those concerns to the designated Anti-Trust Division attorney. I assumed that DOJ would do its job, namely, that it would vigorously investigate these allegations. However, most of the people I sent to DOJ expressed frustration at the lack of responsiveness. Further, I am unaware of any attempts by DOJ to proactively contact potentially affected parties, as you would expect in a serious investigation. For a time my own staff was unable to get their calls to DOJ returned; that is, until I testified before the Senate Commerce Committee in January of this year, and noted DOJ's unresponsiveness.

I am extremely dissatisfied with DOJ's apparent unwillingness to initiate any kind of investigation into these serious allegations.

a. I want to know, once and for all, what DOJ has done to investigate the allegations of anti-trust violations by Clear Channel.

b. If it has investigated these allegations and found them lacking credibility, I would like to know that, and I imagine Clear Channel would as well.

c. If it has an ongoing investigation, I would also like to know that.

Answer: The Department's Antitrust Division has an open investigation into reported practices by Clear Channel in radio and concert promotion that raise potential antitrust issues. The Division takes the allegations against Clear Channel seriously and is investigating the reported practices and analyzing their economic and legal ramifications.

Our investigation is a civil non-merger investigation, in which the conduct in question generally is evaluated under the rule of reason. This type of investigation typically can be

complicated and time-consuming. In the course of this investigation, the Antitrust Division has conducted numerous interviews with concerned industry sources regarding Clear Channel's practices, including smaller, independent promoters, local venue owners, and representatives of musical artists. You and others in Congress have been helpful in referring concerned individuals to the Division. As is often the case in an antitrust investigation, some of the conversations are more helpful than others in getting the information necessary to evaluate potential antitrust ramifications. The Division also has communicated extensively with the plaintiff in the ongoing Denver litigation against Clear Channel, reviewed materials filed in a consumer class action lawsuit, reviewed economic material and analysis on the impact Clear Channel has on ticket prices, and contacted the FCC about its potential review of Clear Channel's radio and concert promotion practices. The Division continues to invite anyone with information to furnish about Clear Channel's practices to do so.

31. **In February 2003, it was reported that you were planning to issue new regulations that would limit the ability of women to be granted asylum based on gender-related harms, such as domestic violence, and to issue a decision denying asylum to Ms. Rodi Alvarado. Ms. Alvarado, a Guatemalan survivor of severe domestic violence, had been granted asylum by an immigration judge, but in 1999 the Board of Immigration Appeals reversed that decision. Then-Attorney General Reno intervened and proposed regulations securing Alvarado's asylum status and confirming the availability of asylum for women who suffered gender-related violence. Those proposed regulations never became final. In March of this year, before the Senate Judiciary Committee you were asked about the status of the case and proposed gender-based asylum regulations. You indicated that you have certified the case to yourself and that the regulations were under formulation at the Department of Homeland Security with the "assistance" of the Department of Justice.**

    a. **I would like to know the status of these proposed new gender-based asylum regulations and how they will affect the ability of women who have fled persecution because of their gender to get asylum protection.**

    b. **I would also like an update on the status of your decision in the Alvarado case and what effect it will have on the cases of other women seeking asylum protection on the basis of gender persecution.**

Answer: In February of 2003, the Attorney General referred Ms. Alvarado's case to himself for review. Her case presents a significant question of statutory interpretation under our immigration laws. Specifically, the Attorney General must interpret the definition of "refugee" and determine whether individuals such as Ms. Alvarado are included in that definition. The Refugee Act, passed by Congress in 1980, defines "refugee" to mean any person outside his or her country of nationality who is unable or unwilling to return to that country because of persecution on account

of race, religion, nationality, membership in a particular social group, or political opinion. In reviewing Ms. Alvarado's case, the Attorney General must determine whether the group to which Ms. Alvarado said she belonged – "Guatemalan women who have been involved intimately with Guatemalan male companions, who believe that women are to live under male domination" – is a "particular social group" under the statute, and, if so, whether she was persecuted "on account of" her membership in that "particular social group." Beyond these facts, the Department cannot comment further because her case is currently under review and, therefore, remains open. On December 8, 2003, the Attorney General directed the Department of Homeland Security and counsel for Ms. Alvarado to submit briefs to the Assistant Attorney General for the Office of Legal Counsel by February 9, 2004.

The Department proposed new asylum regulations in December of 2000. Because of their proximity to Ms. Alvarado's case, these regulations have become commonly known as the new gender-persecution regulations for asylum seekers. That designation is not entirely accurate because the final rule would not be limited to addressing gender persecution claims. Rather, it would provide a uniform set of standards for the adjudication of a broad range of fairly common but difficult interpretative issues in asylum law. Since the responsibilities of the former Immigration and Naturalization Service have been transferred to the Department of Homeland Security, while the Attorney General retains his authority over immigration proceedings before the immigration judges and the Board of Immigration Appeals, action by both agencies is now required and the Justice Department and the Department of Homeland Security will work together to implement final rules in this area.

32. **Of five letters addressed to you that I have initiated or cosigned with other Members of Congress since August of last year, it has taken more than four months for you to respond to two letters, more than three months to respond to one letter, and I have yet to receive a response to two letters written three months ago. Worse yet is a response I received to a letter regarding several Korean immigrants caught up in a green card scam orchestrated by a corrupt former INS supervisor and rogue immigration brokers. After waiting over three months for the letter, I received a reply that essentially stated you could not comment on the case, a response that could have easily been written much sooner. What are you doing to improve the length of time it takes for your department to respond to letters from Members of Congress, especially for letters that do not require in depth responses?**

Answer: The congressional oversight function is a critical factor in the success of this Department, and we agree that there is always room for improvement in our efforts to be responsive to Congress. An enormous amount of Department time and resources have been spent responding to congressional oversight and inquiries. In the 107th Congress alone, the Department replied to over 7,000 letters from Members of Congress, testified at 247 hearings, answered over 900 individual questions for the record following hearings, and issued 102 views

letters on legislation at the request of Congress. These statistics do not even include the myriad of informal briefings for staff and Members, which number several hundred.

Additionally, it is important to remember that many of the questions we have received have to do with the implementation and effectiveness of new legal authorities, such as USA PATRIOT Act. The people in the Department who must answer these inquiries are many of the same people who are making key operational decisions in the war on terrorism. Time spent answering letters and questions and preparing for hearings must be balanced with their critical operational duties. The American people expect us to balance these two important obligations appropriately.

33. **Armenia was initially included on a December 16, 2003 list of nations under the National Security Entry-Exit Registration System (NSEERS), requiring male nationals aged 16 or older to specifically register with the Immigration and Naturalization Service (INS). After much protest from the Armenian-American community, the Federal Register was corrected on December 18th and Armenia was no longer included on that list. On December 20th of last year, I joined 33 of my colleagues in sending a letter to you regarding this matter. In your response, you did not fully address the questions raised in our letter. With that in mind, I respectfully request that you provide answers to the following questions:**

a. **Please provide the Committee with a full explanation as to why Armenia was added to the NSEERS list and then subsequently removed two days later.**

b. **What are the plans for implementing the NSEERS system from now and into the future, in general, and also specifically regarding Armenia?**

Answer: Armenia was incorrectly included in the Federal Register notice, and, consequently, was removed two days later. In general, national security considerations discussed through an interagency process influenced the decisions as to which countries were required to participate in NSEERS domestic registration. As you may know, the former Immigration and Naturalization Service transferred to the Department of Homeland Security (DHS) on March 1, 2003. As DHS is now responsible for NSEERS and its successor programs, we refer you to DHS for information as to future plans relating to NSEERS.

c. **What is the plan to educate various ethnic communities within the United States of their legal status if they fall under this NSEERS requirement?**

Answer: Inquiries related to the implementation of the NSEERS system should be directed to the Department of Homeland Security, as responsibility for NSEERS call-ins now resides with that Department.

d. Is it the intent to apply retroactive "call-ins" for all non-immigrant aliens from all nations?

Answer: Inquiries related to the implementation of the NSEERS system should be directed to the Department of Homeland Security, as responsibility for NSEERS call-ins now resides with that Department.

e. How are foreign policy ramifications taken in to consideration when making decisions about implementation?

Answer: Inquiries related to the implementation of the NSEERS system should be directed to the Department of Homeland Security, as responsibility for NSEERS call-ins now resides with that Department.

f. Will this policy apply to all nations, or only specific ones?

Answer: Inquiries related to the implementation of the NSEERS system should be directed to the Department of Homeland Security, as responsibility for NSEERS call-ins now resides with that Department.

34. a. **I understand that it is your position that State and local law officials have the "inherent authority" to enforce immigration laws. However, in its January 23, 2003 Final Ruling on certain immigration detention matters, the DOJ/INS relied on Supreme Court precedents that contradict your view about State and local law enforcement officers having "inherent authority" to enforce immigration laws? Specifically, the DOJ pronounced that "Federal control over matters regarding aliens and immigration is plenary and exclusive. 'Control over immigration and naturalization is entrusted exclusively to the Federal Government, and a State has no power to interfere.' *Nyquis v. Mauclet*, 432 U.S. 1, 10 (1977) . . .". Please explain what your position regarding the "inherent authority" of State and local police is based on.**

Answer: The Department's determination is based on the conclusion that the Immigration and Nationality Act (INA) does not preempt the authority of States and localities to empower their police to arrest aliens who are listed in the National Crime Information Center *and* who have violated criminal provisions of the INA or civil provisions of that Act that render them deportable. Any such arrests must, of course, comply with the Fourth Amendment and other applicable constitutional provisions. Your assumption that there is any contradiction between this principle and plenary Federal control over immigration is mistaken. Indeed, if there were any contradiction, then State police could not even arrest those who have violated criminal provisions of the INA - a position that we do not understand anyone to have asserted. The

Federal government's plenary control over immigration enables it to choose to accept the assistance that States and localities can provide in arresting aliens who are NCIC-listed *and* who have violated civil provisions of the INA that render them deportable.

b. Some groups have requested this information via a FOIA request, but were denied. At what point will you be providing that information, and in what manner? Will you respond to a second FOIA request?

Answer: As a general rule, any legal advice internal to the Department is confidential. The Department does not have any current plans to release the opinion.

c. Furthermore, are you aware that your statement suggesting that there is this "inherent authority" has resulted in civil rights abuse, such as racial profiling of Latinos-whether citizens, legal permanent residents, or undocumented immigrants?

Answer: We are not aware of any evidence supporting such allegations. We believe it unlikely that the limited nature of the voluntary assistance from local law enforcement limited to arrest aliens who are NCIC-listed and who have violated civil provisions of the INA that render them deportable would have such results. Anyone who possesses evidence of any civil rights abuse should report such allegations to the Department of Justice's Civil Rights Division.

35. What, if any, legal protections are in place to ensure that State and local police do not commit civil rights abuses when they would enforce Federal civil immigration laws? As you are aware, the standard for scrutiny of State and local police in this instance would be "strict scrutiny" since enforcing immigration laws is not normally within their authority. The Federal government, on the other hand, would be judged under a lower standard because enforcing immigration laws is a part of its exclusive plenary authority. In light of that, what protections do you have in place to protect against violations such as racial profiling and excessive use of force? What protections will the Federal government offer to untrained State and local police who are sued for their mistakes?

Answer: Regardless of any differences in the legal standards governing Federal, State, and local law enforcement officials, State and local police can draw upon the ample support the Federal government has provided to prohibit or help prevent civil rights violations such as unlawful racial profiling and excessive use of force. The Federal government not only has offered substantial grants to State and local law enforcement agencies aiming to train their members in preventing such violations, but has provided substantive direction on the appropriate scope of law enforcement activities. An additional resource for State and local police is the Justice Department's 2001 manual, PRINCIPLES FOR PROMOTING POLICE INTEGRITY. This manual identifies police practices that enhance police accountability and reduce misconduct, including

concrete examples of promising policies that are being implemented by police departments around the country.

36. **On February 26, 2003, the DOJ issued an interim rule that allows you, or future Attorneys General, to abbreviate or waive training requirements for State and local law enforcement officers in the event that they are needed to respond to a "declared mass influx of aliens." This is an interesting interim rule, since it essentially reverses a DOJ position from six months earlier. Last July, the DOJ made a final rule to create a mechanism for trained State and local law enforcement officers to perform the duties and functions of immigration officers during declared mass influxes of aliens. One of the main parts of that final rule was the requirement that training on basic immigration law must be included in the agreements created pursuant to this final rule. Can you explain how you expect State and local law enforcement officials to properly uphold immigration laws if they are not given any training in those laws?**

Answer: The rule published in July of 2002 implemented statutory authority under section 103(a)(8) of the INA for the Attorney General, in the event of a declared mass influx of aliens, to receive assistance from State and local law enforcement authorities to supplement the resources of Federal immigration and law enforcement authorities. That rule imposes a general requirement that the written agreements with State and local governments provide for the training of their designated personnel with respect to immigration and civil rights laws, and the rule published in February of 2003 stated that the Department of Justice "fully anticipates" that such training will have been provided in advance to a sufficient number of State and local law enforcement officers. However, recognizing that there might be future instances where the immediacy and magnitude of a particular immigration emergency would not permit the completion of all training requirements, in exceptional circumstances the February 2003 rule would allow such training requirements to be abbreviated or waived. In no sense does the allowance of a limited exception in the narrow circumstances described in the February 2003 rule constitute a "reversal" of the general rule in favor of the required training for State and local personnel. In any event, such State and local authorities would be subject to Federal policies and standards and be acting under the direction of Federal authorities. *See* 28 CFR § 65.84(a)(3)(vi), (4).

37. **Could you please provide a detailed summary of any arrests, prosecutions, or investigations of adult obscenity cases (excluding child pornography) the Department of Justice has conducted since you became Attorney General? I thank you in advance for your response.**

Answer: On July 14, 2003, Congressman Forbes and 27 other members of Congress wrote to Attorney General Ashcroft urging the Department to enforce obscenity laws and asking for

statistics of current obscenity investigations, prosecutions and convictions. As a result of that inquiry, the Attorney General, the Assistant Attorney General for the Criminal Division, Chris Wray, and the Assistant Attorney General for Legislative Affairs, William Moschella, met with Congressman Forbes and some of the signatories of the letter to express the Department's firm commitment to pursue obscenity enforcement and to apprize the Congressmen of our progress.

Additionally, on October 15, 2003, Justice Department officials testified on this subject before the Senate Judiciary Committee in its hearing on *"Indecent Exposure: Oversight of DOJ's Efforts to Protect Pornography's Victims."* The testimony details the progress the Department has made in obscenity enforcement as well as our progress in attacking child exploitation crimes. The testimony also touches upon our strategy for continued and effective enforcement of the Nation's obscenity laws and can be accessed at http://judiciary.senate.gov/hearing.cfm?id=961 and is attached for the Committee's review.

Since the hearing, John Kenneth Coil, a past and current owner of over 50 adult stores in 8 States, was indicted in Texas along with six others for their alleged involvement in the sale of obscene materials and for defrauding the United States Treasury. Additionally, on October 22, 2003, the Department secured convictions against Garry and Lynne Ragsdale for their distribution of obscene videos (depicting rape content). The conviction was obtained in the Northern District of Texas, following a week-long jury trial. Additionally, the Child Exploitation and Obscenity Section concluded its second training seminar of prosecutors and Federal agents focusing exclusively on obscenity enforcement. The seminar was well received, and generated much interest on the part of AUSAs in enforcing the Nation's obscenity laws.

Attachment 1

FEDERAL CRIMINAL CIVIL RIGHTS PROSECUTIONS
(excluding FACE and Post 9/11 Backlash Cases)

Official Misconduct Cases

FY2004

U.S. v. Yokemick (10/28/03) (S.D.N.Y.)

An officer with the New York City Police Department was charged with striking a fleeing arrestee with his police radio, causing a severe skull injury. Additionally, the defendant was charged with failing to inform EMS technicians that the victim had been struck in the head, thereby depriving him of adequate medical care and treatment while in official custody. The defendant was also charged with punching a separate arrestee, causing him to suffer a fractured collar bone and bruising.

U.S. v. Gould, et al. (11/12/03) (D.N.M.)

A lieutenant and two detention officers with the Dona Ana County Detention Center, were charged with participating in the assault of a pretrial detainee while inside his cell, resulting in three broken ribs, a fractured shoulder, a fractured elbow and numerous bruises. One of the three defendants was also charged with assaulting the pretrial detainee while transporting him to the medical center. Following the assaults, the defendants allegedly provided false information concerning the assault in order to prevent the communication of information to authorities.

U.S. v. Westmoreland (11/13/03) (M.D. Tenn.)
U.S. v. Bradley (11/13/03)

One correctional officer at the Wilson County Jail pled guilty to assaulting an inmate while a second correctional officer pled guilty to lying to an FBI agent during the course of an investigation into the conduct of other officers during a separate incident that resulted in the hospitalization of an inmate for head injuries.

FY2003

U.S. v. Calzada and Duran (10/29/02) (W.D. Tex.)

Two deputy sheriffs with the El Paso County Sheriff's Department pled guilty to violating the civil rights of female residents in the El Paso community they patrolled. The misconduct involved sexual assaults, harassment, illegal traffic stops and lengthy detentions of female motorists. Defendant Duran was sentenced to 10 years in prison. Defendant Calzada is awaiting sentencing.

U.S. v. Jones (11/5/02) (E.D. Mo.)

The elected Sheriff of Clark County pled guilty to providing false statements and persuading a witness to testify falsely in connection with the investigation into the sexual assault of a nineteen-year-old woman the defendant was transporting to the jail from the hospital following her psychiatric evaluation. The defendant was sentenced to two months in jail to be followed by three years supervised release, and he was ordered to conduct 240 hours of community service and to pay a $2,000 fine.

U.S. v. Bitsky (1/7/03) (W.D. Wisc.)

The undersheriff of the Adams County Sheriff's Department pled guilty to threatening a witness who cooperated with the investigation of an assault of an arrestee who verbally taunted the defendant. The defendant was sentenced to 16 months in prison.

U.S. v. Stinnett (1/9/03) (D.N.M.)

A former police officer with the Ruidoso Police Department pled guilty to obstruction of justice in connection with the investigation into the assault of a victim during her arrest and detention at the police station.

U.S. v. Hooks and Griner (1/9/03) (S.D. Ga.)

The sheriff of the Treutlen County Sheriff's Office was convicted for assaulting two victims following a high speed pursuit during which a deputy sheriff lost control and crashed his jeep. The deputy sheriff was acquitted of assaulting one victim as well as obstructing justice by attempting to influence the testimony of a witness.

U.S. v. Skinner, et al. (1/29/03) (W.D.N.Y.)

Three detectives with the Buffalo Police Department assigned to the now-disbanded Street Narcotics Attack Program Unit, were charged with executing search warrants obtained through the presentation of false or mis-attributed information and during the course of executing the warrants, stealing property and/or inflicting bodily injury upon the occupants of the premises. Additionally, the defendants allegedly performed an unlawful stop of a motor vehicle and during that stop, caused bodily injury to the occupants of the car.

U.S. v. Baker (2/4/03) (S.D. Ill.)

A Special Investigating Agent at the U.S. Federal Penitentiary in Marion pled guilty to tampering with a witness in connection with the investigation of an assault of an inmate during an interview session. The defendant was sentenced to six months home detention to be followed by three years probation and he was fined $200.

U.S. v. Bodenheimer, et al. (2/25/03) (E.D. La.)

A judge, an attorney and a reserve deputy in Jefferson Parish used their positions to devise and participate in a scheme to influence court rules and to defraud citizens of the State of Louisiana. The reserve deputy pled guilty to conspiring to violate civil rights and conspiring to commit mail fraud and was sentenced to 24 months in prison, while the judge entered a guilty plea to mail fraud and conspiracy to distribute oxycodone, and the attorney pled guilty to misprision of a felony.

U.S. v. Navarrette (3/6/03) (W.D. Tex.)

A correctional officer at the Hudspeth County Jail pled guilty to inappropriately groping and kissing an inmate. After allegations were received from several female inmates, a covert camera was placed in the laundry room and the acts were captured on camera. The defendant was sentenced to 36 months in prison.

U.S. v. Neuhalfen (3/11/03) (W.D. Tenn.)

An officer with the Memphis Police Department pled guilty to using threats of arrest to solicit cash payments from individuals he had stopped for alleged traffic offenses. The defendant was sentenced to 18 months in prison and ordered to pay $1,150 restitution and a $1,800 fine.

U.S. v. Young (4/2/03) (E.D.N.C.)

An officer with the Fayetteville Police Department pled guilty to using his powers as a police officer, including threats of arrest, jail time, or additional charges, to coerce women he stopped or arrested into having sex with him against their will.

U.S. v. Delapaz (4/23/03) (N.D. Tex.)

An officer with the Dallas Police Department was acquitted of charges of providing false information in drug cases in which paid informants planted bogus evidence on innocent people. (Related to U.S. v. Alonso, Ruiz and Gonzales charged during FY02, see below.)

U.S. v. Linton (5/14/03) (N.D. Fla.)

A correctional officer at the Federal Correctional Institute in Tallahassee pled guilty to engaging in sex with an inmate.

U.S. v. Henderson (5/29/03)

A detective with the Charlotte County Sheriff's Department, was convicted for striking an unarmed and compliant juvenile in the face with a gun during an arrest, resulting in a fractured jaw and a chin laceration requiring sutures.

U.S. v. Jones and Crisp (6/16/03) (W.D. Tenn.)

A deputy with the Hardeman County Sheriff's Department and a private citizen were charged with a scheme to execute a staged traffic stop of the victim in order to steal $35,000 from the trunk of the victim's automobile, after learning that the victim would be traveling from Indiana to Memphis carrying large amounts of cash ostensibly to purchase a car. The private citizen pled guilty to conspiracy for his involvement in this scheme.

U.S. v. Melendez, et al. (6/19/03) (E.D. Mich.)

Eighteen officers with the Detroit Police Department were charged with devising a scheme to identify individuals they believed were engaging in narcotics trafficking and then forcibly entering residences or stopping and detaining individuals on the street and unlawfully searching and questioning those individuals. If they found narcotics or firearms, they sometimes kept some or all of the money, drugs or firearms and after deciding who they wished to arrest, they would falsify police reports to justify the charges. One additional officer has pled guilty to filing false reports against suspects.

U.S. v. McCorkle (6/20/03) (S.D. Ill.)

An officer with the Washington Park Police Department, was charged with engaging in a sexual act with a motorist and subsequently destroyed a citation given to the motorist in consideration for the sexual activity.

U.S. v. Kszyminski (6/25/03) (M.D. Ga.)

A detention officer at the Dougherty County Jail pled guilty to providing statements to the FBI in connection with the investigation into the assault of an inmate with a pair of metal handcuffs.

U.S. v. LeMoure and Polito (7/29/03) (D. Mass.)

A Sergeant and police officer with the Boston Police Department were charged in connection with the pursuit of a vehicle and assault of a passenger of the vehicle because the officers believed the victim to have directed an obscene hand gesture at them. The assault resulted in a fractured jaw and concussion. The defendants are also charged with conspiring to fabricate the existence of eyewitnesses to the incident and to recruit persons to testify falsely that they had witnessed the incident.

U.S. v. Abrams (7/30/03) (E.D. Mich.)

An officer with the Detroit Police Department was charged with theft of money and property from arrestees on two separate occasions and assaulting one of them. Additionally, one arrestee was unjustifiably assaulted during the arrest.

U.S. v. Anderson (8/20/03) (E.D. Mich.)

The founder and president of Great Lakes Search and Rescue, as well as the Director of Detection Services of Canine Solutions, International was charged with falsifying and concealing material facts from federal law enforcement officials; lying to law enforcement officials in her alleged efforts to cover up evidence during the federal investigation of her conduct; and obstructing justice. The defendant, a cadaver-detection dog handler, allegedly planted human remains and fiber evidence during a search at the Huron National Forest, as well as human remains during a search in the Proud Lake Recreation Center. Additionally, the defendant allegedly attempted to obstruct justice shortly after her arrest and the federal search of her home by delivering human remains to a local law enforcement officer, along with false assertions about how she had acquired the human remains, and then attempting to persuade

co-workers to write false reports to corroborate her story. Finally, the defendant allegedly made false representations to federal investigators during a proffer session.

U.S. v. Clark, et al. (8/20/03) (M.D. Ga.)

A Sergeant and two Detention Officers with the Dougherty County Sheriff's Department were charged with conspiring to obstruct justice. Additionally, the Sergeant was charged with assaulting an arrestee shortly after she arrived at the jail by pushing her face into a wall, resulting in a lost tooth, and choking her. The defendants are also charged with subsequently prepared false reports in an effort to cover up the unjustified use of force against the victim. One of the three defendants has entered a guilty plea.

U.S. v. Ruizgonzalez (8/20/03) (M.D. Ga.)

A Corporal at the Dougherty County Jail allegedly used a pair of metal handcuffs to strike an inmate, resulting in a laceration and loss of consciousness. Subsequently, the defendant submitted and directed the submission of false reports relating to the incident in an effort to cover up an unjustified use of force against the inmate. The trial is in progress at the this time.

U.S. v. Carson, et al. (9/18/03) (E.D. Mich.)

Six police officers with the Mount Clemens Police Department were charged in connection with the use of unreasonable force against the victim following a traffic dispute with an off-duty police officer as the victim was driving home from work. The victim's car was subsequently pulled over and the victim was pulled from the car and beaten, resulting in facial contusions, abrasions and lacerations requiring nine sutures. The officers were also charged with conspiring to obstruct justice by taking various actions to cover up their assault of the victim, including writing false police reports. Additionally, two of the five officers were charged with conspiring to violate the victim's civil rights by fabricating evidence leading to false criminal charges against him.

U.S. v. Collins and Gee (9/23/03) (W.D.N.C.)

A captain and sergeant at the Mecklenburg County Jail were charged with repeatedly kicking a federal pre-trial detainee while he was on the floor and restrained in handcuffs. Defendant Collins was also charged with failing to prevent defendant Gee from assaulting the victim. As a result of the assault, the detainee sustained two black eyes, severe facial and chest

bruising, a fractured rib and a laceration on his forehead requiring stitches.

U.S. v. Jimenez and Burkhalter (9/24/03) (C.D. Cal.)

A deputy sheriff and a senior deputy sheriff with the Los Angeles Sheriff's Department were charged with conspiring to cover up an assault of an inmate. Additionally, defendant Jimenez was charged with assaulting two inmates, on separate occasions, by forcing them to the ground and punching them, and subsequently attempting to persuade two deputy sheriff witnesses to provide false statements relating to the injuries sustained by one of the inmates. Defendant Burkhalter was charged with attempting to persuade one of the inmates not to report the assault and to provide false information relating to the nature of the inmate's injuries.

FY2002

U.S. v. Herring (10/10/01) (W.D. Tex.)

An officer with the San Antonio Police Department pled guilty to striking the victim several times in the head, back and hands with an ASP baton after the victim surrendered following an automobile chase and brief foot pursuit. As a result of the beating, the victim sustained multiple contusions and cuts to the back of his head and neck, and his hands were swollen to the point where a ring had to be cut off one of his fingers. The defendant was sentenced to two years probation.

U.S. v. Duncan and Westbrook (10/10/01) (W.D. Tex.)
U.S. v. Waldrum

Three deputies with the Frio County Sheriff's Department entered guilty pleas to entering into a scheme to burglarize, destroy property and steal property from various individuals, homes and businesses in Frio County, Texas. The defendants were sentenced to terms of incarceration ranging from 51 to 81 months.

U.S. v. Hackworth and Meadows (11/16/01) (E.D. Ky.)

An officer with the Dayton Police Department pled guilty to using excessive force against the victim after stopping him for driving violations. The officer began poking the victim in the chest and the incident escalated into a prolonged assault including punching and kicking the victim while he was lying on the ground with his hands cuffed behind his back. The defendant was sentenced to eight months home detention, with electronic monitoring, and five years probation. Additionally, a deputy with the Floyd County Sheriff's Department pled guilty to failing to keep the victim from harm and subsequently providing false

evidence and criminal charges against the victim in an effort to cover up the misconduct. That defendant was sentenced to six months home detention, three years probation and fined $2,500.

U.S. v. Perez (11/28/01) (C.D. Cal.)

A former officer with the Los Angeles Police Department pled guilty to conspiring to deprive the victim of his right to be free from the deprivation of liberty under color of law by fabricating evidence, falsely arresting the victim and then by presenting false testimony against him. This case arose out of a federal investigation into allegations of widespread corruption and misconduct by officers of the Los Angeles Police Department, Rampart Division. The defendant was sentenced to 2 years in prison, three years supervised release and ordered to pay $248,000 restitution.

U.S. v. Williams and Barfield (12/4/01) (S.D. Miss.)

Two deputy sheriffs with the Sharkey County Sheriff's Department, were charged with violating federal criminal civil rights charges in connection with shooting an unarmed fleeing victim. Following a high speed chase, defendant Williams shot the unarmed victim in the back after the victim stopped and raised his hands to surrender. Additionally, as the wounded and handcuffed victim lay on the ground, defendant Barfield kicked and stomped on the victim. Williams was convicted at trial and was sentenced to 138 months in prison while the other defendant entered a guilty plea pre-trial and was sentenced to six months home confinement to be followed by three years probation.

U.S. v. Byrne (1/9/02) (D. Mass.)

A sergeant with the Boston Police Department was convicted for striking an arrestee in the side of the face breaking his jaw at the police station shortly after his arrest. The defendant was also convicted for knowingly using intimidation and corrupt persuasion against four different Boston police officers with the intent to hinder and prevent the communication of information to federal law enforcement officers relating to the investigation of the assault on the arrestee. The defendant was sentenced to 70 months in prison and ordered to pay $7,700 restitution.

U.S. v. Flores (1/23/02) (S.D. Tex.)

A former municipal court judge in Mercedes, Texas, pled guilty to using his judicial authority to coerce sexual favors and to sexually abuse several women who had visited him to petition for a bail reduction and/or the release of a family member who was incarcerated. The defendant was sentenced to 24 months in prison.

U.S. v. Jones (1/24/02) (E.D. Va.)

An Immigration and Naturalization Service Detention Enforcement Officer pled guilty to assaulting a detainee while he was restrained in leg shackles. A prior trial resulted in a hung jury. The defendant was sentenced to four months in jail.

U.S. v. Rok (1/30/02) (W.D. Penn.)

A police officer with the Johnstown Police Department pled guilty to assaulting the victim by kicking him in the head while he was handcuffed behind his back and laying on the ground. The defendant was sentenced to one year in prison.

U.S. v. McPeters (2/20/02) (D.N.M.)
U.S. v. McCoy (3/12/02)

Two corrections officers at the Lea County Correctional Facility pled guilty to conspiring to obstruct investigations into the unjustified use of force against two inmates. The defendants were sentenced to four years probation. As a condition to the probation, the judge ordered that they make videos for the Department of Justice, which can be distributed to officer training academies as appropriate.

U.S. v. Aquero, et al. (2/22/02) (S.D. Fla.)

Four officers of the Miami Police Department were charged with assaulting the victim on three separate occasions in the afternoon following a high speed chase. The first assault occurred after the victim's apprehension as he sat in the backseat of the patrol car with his hands cuffed behind his back. While en route, the patrol car stopped and victim was taken out of the car, thrown to the ground and assaulted a second time. After a fellow officer stopped the beating, the victim was placed in a pickup truck where he was approached by one of the defendants and smacked in the face while hand cuffed. A hung jury was declared on all four defendants. Awaiting retrial.

U.S. v. Tortorella (3/13/02) (D. Ct.)

A federal correctional officer at FCI, Danbury pled guilty to engaging in sexual acts with five female inmates including an illegal alien the defendant later harbored and shielded from detection by authorities.

U.S. v. Dillard and Stanford (3/19/02) (N.D. Miss.)

Two deputy sheriffs with the Lee County Sheriff's Department were acquitted of charges of beating the victim to death after the victim had shot and killed Lee County Sheriff Harold Ray Presley.

U.S. v. White (3/21/02) (N.D. Ind.)

An officer with the Gary Police Department was convicted of assaulting a dancer at a strip club following a dispute over payment to the victim. As a result of the assault, the victim suffered numerous facial injuries including severe bleeding when her tooth punctured her lip during the officer's blows. The defendant was sentenced to 27 months in prison to be followed by 3 years supervised release and he was ordered to pay $750 restitution to the victim.

U.S. v. Macias (2/28/02) (S.D. Fla.)

An officer with the City of Miami was charged with making false statements in connection with an officer involved shooting incident in an effort to hinder and prevent communication to investigators.

U.S. v. Chavez (3/27/02) (D.N.M.)

A correctional officer for the Pueblo of Laguna Police Department was charged with sexually assaulting a woman in his custody. The defendant plead guilty.

U.S. v. Wright (3/27/02) (E.D.N.Y.)

A police officer with the Suffolk County Police Department, who was assigned to patrol Suffolk County highways on the midnight tour and was authorized to arrest persons believed to be driving while intoxicated, pled guilty to four separate incidents of inappropriate sexual advances and contact towards five female victims. Defendant sentenced to 63 months and $14,000.

U.S. v. Sperber (4/4/02) (W.D. Va.)

Three officers with the Florissant Police Department were acquitted on charges of assaulting of a high school intern at the police department, allegedly in retaliation for the victim having told a friend of his that he had given his name to the defendants as a possible possessor of drugs. One defendant was charged with assaulting the victim while the two other defendants were charged with failing to intervene to stop the assault.

U.S. v. Marquez (4/11/02) (C.D. Cal.)

A police officer with the Alhambra Police Department pled guilty to sexually assaulting the victim, who is Chinese and cannot speak English. Following a traffic violation stop, the defendant threatened to give the victim an expensive ticket if she did not go out with him. The victim agreed to meet the defendant the following day, and during the meeting the defendant forced sexual contact upon the victim. The next day, while off duty, the defendant again forced sexual contact while showing the victim his police badge and reminding her that he could write her a ticket. The defendant was sentenced to 6 months home detention, 5 years probation, ordered to perform 500 hours of community service and fine $2,000.

U.S. v. Campbell (4/25/02) (D. Col.)

A correctional officer at the Huerfano Correctional Facility pled guilty to beating a handcuffed inmate who had assaulted a correctional officer. The inmate was then transported to the intake area of the facility and while still handcuffed, leg shackled and belly chained, beaten again. The defendant was sentenced to two yeas probation and ordered to pay $100 to the victims' compensation fund.

U.S. v. Nettleton (4/25/02) (E.D. Mo.)

An officer with the Hayti Police Department pled guilty to striking a non-resisting victim in the back and arms several times with a collapsible baton following a high-speed chase, causing severe contusions and abrasions. The defendant was sentenced to one year and one day in prison.

U.S. v. Harrington (5/15/02) (W.D. La.)

An Abbeville police officer was charged with punching the victim with his fists and kicking him while in the police department booking room following the victim's arrest for disturbing the peace during a Mardi Gras celebration. Defendant sentenced to three years probation.

U.S. v. Stewart (5/29/02) (D. Kan.)

A Kansas City police officer pled guilty to striking the victim on the back with a metal flashlight numerous times while arresting him for trespassing in a condemned house. The defendant was sentenced to six months in prison with the recommendation that he serve the time in a correctional facility. He was also sentenced to 3 years supervised release, six months of which he will be subjected to home confinement.

U.S. v. O'Rourke (6/6/02) (D.N.M.)

A former Assistant Warden at the Lea County Correctional Facility pled guilty to ordering two lieutenants under his command to assault an inmate and then orchestrating a cover-up of the incident. The defendant was sentenced to 21 months in prison and fined $25,000. (Related to U.S. v. McPeters and U.S. v. McCoy filed during FY2002.)

U.S. v. Williams (6/11/02) (W.D. Tenn.)

A former shift supervisor and communications manager at the Memphis Police Department pled guilty to sexually abusing two radio dispatchers under his supervision and subsequently providing false statements. The defendant was sentenced to 33 months in prison and ordered to pay $5,000 restitution to each of three victims.

U.S. v. Brewer and Bratcher (6/11/02) (W.D. Tenn.)

Two developmental technicians at the Arlington Development Center pled guilty to conspiring to routinely physically abusing a profoundly mentally retarded individual who lived at the facility. The abuse culminated when the victim was whipped with an electrical cord nearly 30 times, leaving numerous welts and abrasions on his back, side and buttocks. Defendants plead guilty.

U.S. v. Powell (6/26/02) (C.D. Cal.)

An asylum officer with the INS was charged with sexually soliciting a $2,000 bribe from a Chinese female asylum applicant, and sexually propositioned and assaulted another, in exchange for approval of their asylum petitions.

U.S. v. Davis (6/27/02) (M.D. Ala.)

A police sergeant with the Mosses Police Department pled guilty to striking a handcuffed arrestee repeatedly with a baton, resulting in pain, bruising and a broken leg.

U.S. v. Alonso (7/10/02) (N.D. Tex.)
U.S. v. Ruiz
U.S. v. Gonzalez

Three defendants, former drug informants for the Dallas Police Department, entered guilty pleas to conspiring to violate the civil rights of persons arrested by the Dallas Police Department Narcotics Division by fabricating and planting

counterfeit drugs on scores of innocent residents in the Dallas area. The defendants pled guilty.

U.S. v. Curtin and Wallace (8/2/02) (S.D. Cal.)

Two U.S. Border Patrol agents were acquitted of assaulting a detainee confined in a border patrol cell. One agent allegedly slammed the victim into a wall, tore his shirt, pushed him to the ground and kneed him in the side of the head while the other agent allegedly grabbed the victim's throat choking him with both hands then later pushed him to the ground and sat on his side during the other agent's assault.

U.S. v. Wright (8/13/02) (N.D. Ga.)

A correctional officer at the Atlanta U.S. Penitentiary, entered a guilty plea for assaulting a fellow prison officer while in the prison parking lot. As part of the plea agreement, federal charges relating to the assault of an inmate were dismissed. The defendant was sentenced to one year probation and ordered to pay a $500 fine.

U.S. v. Acosta (8/14/02) (D. Ariz.)

A U.S. Border Patrol agent was charged with kicking the victim, a Mexican citizen who was apprehended as he attempted to enter the United States illegally, as the victim was lying prone on the ground and compliant. As a result of the assault, the victim received a lacerated lip requiring sutures.

U.S. v. Price (8/15/02) (E.D. Ky.)

A Boyd County Detention Center officer pled guilty to striking an inmate several times with a police baton, including several strikes to the head, after the inmate was placed in a holding cell. In addition, the defendant pepper sprayed the inmate after he had been handcuffed and shackled. After being transported to the hospital, the victim lapsed into a coma and suffered brain death. The defendant was sentenced to 60 months in prison.

U.S. v. Karn (8/21/02) (S.D. Tex.)

A Texas Army National Guardsman Sergeant Major pled guilty to engaging in sexual intercourse with an inmate at the Federal Prison Camp in Bryan, Texas. The defendant was sentenced to three years probation and fined $500. He must register as a sex offender and cannot have custodial or supervisory control over any female during this period of probation.

U.S. v. Brugman (8/21/02) (W.D. Tex.)

A U.S. Border Patrol Agent was convicted of unnecessarily striking and kicking an illegal alien during his arrest. The defendant was sentenced to 27 months imprisonment to be followed by two years supervised release.

U.S. v. Vasquez (9/17/02) (D. Ct.)

A correctional officer at the Federal Correctional Institution in Danbury pled guilty to engaging in varied sexual acts and contacts with four inmates during the course of his employment as a federal correctional officer. Additionally, the defendant pled guilty to providing false statements to a federal law enforcement officer concerning his conduct.

U.S. v. Reyna, et al. (9/18/02) (S.D. Tex.)

Three deportation officers with the Immigration and Naturalization Service were convicted for denying medical care and treatment to an undocumented Mexican national who had been struck and pepper spraying during his arrest. One of the three officers was convicted for pepper spraying the arrestee.

U.S. v. Bradley and Applegate (9/18/02) (E.D. Ark.)

Two officers with the West Memphis Police Department's drug interdiction unit were charged with conducting illegal searches of persons and their property, seizing cash that they found and keeping a portion of the cash for their personal benefit. The defendants allegedly filed false arrest reports regarding the recovery of evidence and maintained a supply of marijuana in order to falsely establish that the arrestee possessed marijuana. One defendant was convicted at trial and sentenced to 10 months in prison while the other was acquitted.

U.S. v. Crowden (4/2/02) (M.D. Fla.)

A civilian resident of Jacksonville pled guilty to a Hobbs Act robbery and possession of crack cocaine, with intent to distribute it and was sentenced to 51 months in prison and ordered to pay $50,000 restitution. The defendant was recruited by a deputy sheriff with the Jacksonville Sheriff's Office, to commit the armed robbery of a customer of the bank where the officer was employed as a security guard. The defendant was also part of a drug conspiracy to sell drugs given to him by the defendants who had stolen the drugs from drug dealers. After the drug sales, the proceeds were divided up between the conspirators. See related case, U.S. v. Waldon, et al., filed during FY01.

FY2001

U.S. v. Ward (10/4/00) (E.D. Tex.)

A correctional officer at the United States Penitentiary in Beaumont pled guilty to conspiring to obstruct justice by helping to cover up assaults by other officers. The defendant was sentenced to four years probation, 100 hours of community service and a $2,400 fine.

U.S. v. Camacho (10/5/00) (D. Conn.)

An officer with the Hartford Police Department pled guilty to coercing a woman into his police vehicle, driving her to a secluded location and sexually assaulting her on two separate occasions. The defendant was sentenced to 10 years in prison.

U.S. v. Cordova (10/11/00) (S.D. Tex.)

A police officer with the Aransas Pass Police Department, was acquitted of striking a handcuffed victim in the chest and face with a closed fist causing a broken nose and a black eye. An additional charge for striking another handcuffed victim in the face with his fist causing contusions and abrasions to the victim's face and left eye were dismissed by the government pre-trial.

U.S. v. Torrez (10/26/00) U.S. v. Cook (4/13/01) (D. Colo.)

Two correctional officers at the Huerfano Correctional Facility pled guilty to beating a handcuffed inmate who had assaulted a correctional officer. The inmate was then transported to the intake area of the facility and while still handcuffed, leg shackled and belly chained, beaten again. The defendants were sentenced to 24 months in prison.

U.S. v. LaVallee, et al. (11/2/00, Superseding Indictment 2/5/01) (D. Colo.)

Seven correctional officers at the United States Penitentiary in Florence, Colorado, operating primarily within two Special Housing Units of the prison, were charged with participating in frequent, unlawful assaults of inmates in retaliation for inmate misconduct. Three of the seven were convicted at trial and sentenced to terms of incarceration ranging from 30 to 41 months while four officers were acquitted. (See related cases, U.S. v. Gutierrez, U.S. v. Armstrong and U.S. v. Geiger.)

U.S. v. Bonn (11/6/00) (D. Md.)

A retired sergeant with the Takoma Park Police Department, pled guilty to accessory after the fact for allowing a K-9 dog to

bite non-resisting suspects. The defendant was sentenced to 15 months in prison.

U.S. v. Baker (11/9/00) (N.D. Fla.)

The Captain of the Gadsden County Jail pled guilty to driving an employee at the Gadsden County Jail to a secluded area and having forcible sexual contact with the victim. The defendant then told the victim if she reported the incident, he would inform her husband and she would be fired. The defendant was sentenced to 15 months in prison.

U.S. v. Sipe (11/14/00) (S.D. Tex.)

A Border Patrol Agent was convicted of striking a Mexican man in the head several times with a large metal flashlight causing a head wound requiring staples to close.

U.S. v. Oliver and Hooper (11/28/00) (N.D. Ill.)

Two correctional officers with the Illinois Department of Corrections assigned to the Stateville Correctional Center pled guilty to assaulting an inmate while he was handcuffed behind his back resulting in severe lacerations to his face requiring stitches to close. One defendant was sentenced to 30 days in prison while the other was sentenced to three years probation.

U.S v. Donnelly, et al. (12/5/00; 5/16/01 Superseding Indictment) (D. Mass.)

Seven officers with the Suffolk County Sheriff's Department at the Nashua Street Jail were charged in connection with several incidents of excessive force used to punish and retaliate against several pre-trial detainees. Two of the defendants, who were acting in a supervisory capacity, would fail to keep pre-trial detainees from harm by permitting or instructing unjustified assaults. Additionally, the defendants prepared and submitted false statements to investigators in order to hide the truth about the assaults. Two of the seven defendants were convicted at trial while three others entered guilty pleas. Two other defendants were acquitted at trial. The defendants were sentenced to terms of incarceration ranging from 15 to 46 months in prison.

U.S. v. Buchanan (12/5/00) (W.D.N.C.)

The Avery County Sheriff was convicted of assaulting an inmate and threatening two other prisoners with continued imprisonment in order to obtain money and other property of value not due him or his office from the prisoners. The defendant was sentenced to 14 months imprisonment to be followed by two years

supervised release. He was also ordered to receive mental health treatment and to pay $7,500 restitution.

U.S. v. Waldon, et al. (12/12/00) (M.D. Fla.)
(4/10/01, Superseding Indictment)

Two deputy sheriffs with the Jacksonville Sheriff's Office, and a civilian resident of Jacksonville were convicted of conspiring to commit robberies, burglaries, thefts and drug offenses against residents of the Jacksonville area. Among the crimes alleged is the robbery and slaying of a Jacksonville convenience store owner who was found dead a day after withdrawing $50,000 from a South Trust Bank. One deputy sheriff and the civilian resident entered guilty pleas and were sentenced to 211 months and 87 months in prison, respectively. Defendant Waldon was convicted at trial and sentenced to life in prison and ordered to pay $58,901 restitution.

U.S. v. Mitchell (1/23/01) (D. Idaho)

An officer with the Fort Hall Police Department was acquitted for allegedly assaulting the victim by punching him in the face and kneeing him in the head without justification.

U.S. v. Castro, et al. (1/25/01; superseding indictment 12/18/01)
(N.D. Ill.)

Three police officers with the Chicago Police Department, allegedly entered the homes of three suspected drug dealers without search warrants and later lied under oath about where the arrests took place to conceal the illegal searches. Two defendants were sentenced to 12 months incarceration. One of the three defendants entered a guilty plea and received 24 months incarceration.

U.S. v. Hardy, et al. (2/6/01) (D.V.I.)

Three Virgin Islands police officers pled guilty to searching two individuals without probable cause and arresting them knowing that exigent circumstances did not exist. During the course of the arrest, one of the individuals was struck in the face while he was handcuffed. Defendant Hardy filed a false police report fabricating legal grounds for the arrest and omitting the fact that one of the individuals had money in his possession at the time of the arrest. The three defendants later divided the stolen money among themselves. Two defendants were sentenced to three years probation while the third defendant was sentenced to six months probation. All three defendants were ordered to pay $2,100 restitution, jointly and severally.

U.S. v. Benjamin (2/6/01) (D.V.I.)

An off duty police officer with the Virgin Islands Police Department pled guilty to shooting the victim in the leg following a dispute between the victim and another officer. Additionally, during a separate incident, the defendant was captured on videotape breaking into a house known to contain drugs with the intent of stealing the drugs. The defendant was sentenced to five years in prison.

U.S. v. Bell, et al. (2/7/01) (E.D. Ark.)

Six correctional officers at the Cummins Unit of the Arkansas Department of Corrections, allegedly beat and repeatedly shocked two handcuffed victims with a hand-held stun gun, and an over six-foot long cattle prod, on the buttocks and testicles in retaliation for them throwing urine and water on a female officer. During a separate incident three of the six defendants allegedly shocked and beat another handcuffed inmate as punishment for his earlier refusal to submit to handcuffing. Five defendants entered guilty pleas while the sixth defendant was convicted at trial. The defendants were sentenced to terms of incarceration ranging from 12 to 108 months.

U.S. v. Small (2/13/01) (E.D. Tex.)

A lieutenant at the United States Penitentiary in Beaumont pled guilty to conspiring to obstruct justice by helping to cover up assaults by other officers.

U.S. v. Rosario (2/22/01) (D.N.J.)

A deputy sheriff with the Passaic County Sheriff's Department, who was off duty, intimidated, threatened and assaulted two individuals who were distributing campaign literature near polling places on Election Day 1999. At the close of the government's case, the judge granted the defendant's motion for judgment of acquittal.

U.S. v. Aguero, et al. (Superseding Indictment, 9/7/01)
(Original Indictment, 3/12/01) (S.D. Fla.)
U.S. v. Hames (9/7/01)
U.S. v. Mervolion (9/7/01)

Thirteen police officers, including two retired officers, with the Miami Police Department were charged with being part of a conspiracy to obstruct justice and violate the civil rights of citizens of Miami in connection with four police-involved shootings. It is alleged the officers participated in a conspiracy in which they and their coconspirators would seize guns from people in the City of Miami and would plant the guns at

the scene of police-involved shootings, make false and misleading statements, and engage in other misleading conduct to justify their actions in the shootings and to prevent the communication to federal law enforcement authorities of the true facts and circumstances surrounding the shootings. The two retired officer defendants entered guilty pleas to conspiring with their fellow officers to violate the civil rights of Miami citizens and conspiring to obstruct justice. At trial, four defendants were convicted and sentenced to terms of incarceration ranging from 13 to 37 months in prison, three defendants were acquitted and trial of four other defendants resulted in a hung jury when the jury could not reach a unanimous decision.

U.S. v. Prater (3/13/01) (W.D. La.)

The former Chief of Security at the Jena Juvenile Justice Center pled guilty to beating a handcuffed juvenile prisoner with a mop handle causing injury to the right arm and hand of the juvenile. The defendants was sentenced to 9 months in a halfway house.

U.S. v. Holland (3/14/01) (D.C.)

An officer with the Metropolitan Police Department pled guilty to assaulting an arrestee with a black jack at the scene of the arrest. The defendant pled guilty to assault under D.C. law and the §242 charge was dismissed pursuant to a plea agreement and was sentenced to five years probation during which he is not allowed to seek employment in law enforcement. He must perform 100 hours of community service and pay restitution of $4532. Two separate trials had resulted in hung juries.)

U.S. v. Sturrup (3/27/01) (6/17/01, Superseding Indictment) (E.D. Va.)

The Police Chief for the City of Waverly was charged with threatening the victim with a gun and for using excessive force in arresting the victim. After arriving at a crime scene where a fellow Waverly police officer had been shot and killed, the defendant allegedly pointed handguns at the crowd of onlookers and threatened to shoot the person responsible for killing his colleague. The officer did not, at that time, physically harm anyone in the crowd. Later, after receiving erroneous information that the victim was responsible for the shooting, the defendant allegedly used excessive force to place the victim under arrest causing a dislocated shoulder and abrasions to his knees and wrists. The defendant entered pre-trial diversion.

U.S. v. Bundren (3/26/01) (E.D. Ark.)
U.S. v. Bell (4/13/01)

U.S. v. Birtcher (5/1/01)

Three correctional officers at the Brickeys Unit of the Arkansas Department of Corrections pled guilty to assaulting an inmate while he was handcuffed behind his back. One defendant was sentenced to 18 months in prison and fined $5,000, another defendant was sentenced to 12 months and 1 day in prison and the third defendant was sentenced to 8 months in prison and 6 months in a halfway house.

U.S. v. Durden (4/2/01) (C.D. Cal.)

A police officer with the Los Angeles Police Department, pled guilty to conspiracy and a firearms charge for depriving the victim of his right to be free from the deprivation of liberty under color of law by fabricating evidence, falsely arresting and presenting false testimony against him. This case arose out of a federal investigation into allegations of widespread corruption and misconduct by officers of the Los Angeles Police Department, Rampart Division. The defendant was sentenced to 3 years in prison to be followed by three years supervised release and he was ordered to pay $281,010 in restitution.

U.S. v. Bones (4/23/01) (M.D. Fla.)

A Jacksonville Sheriff's officer pled guilty to bank fraud for acting as a lookout at the bank from which the victim, a Jacksonville convenience store owner, withdrew large sums of money on a weekly basis. The defendant was sentenced to one day's imprisonment with credit for time served, three years supervised release, 100 hours of community service and ordered to pay restitution in excess of $11,000. (See related case, U.S. v. Waldon, et al., listed above.)

U.S. v. Pough (4/24/01) (M.D. Fla.)

An officer with the Jacksonville Sheriff's Department pled guilty to violating the civil rights of the victim resulting in bodily injury. The defendant was sentenced to 60 months in prison. (See related case, U.S. v. Waldon, et al.)

U.S. v. Chinnery (4/12/01) (D.V.I.)

The former director of the Narcotics Strike Force on St. Thomas was acquitted of assaulting the victim with his hands and with a firearm resulting in bodily injury to the victim.

U.S. v. Hooks, et al. (4/26/01) (N.D. Ala.)

A Captain, Sergeant and three patrolmen with the Boaz Police Department were charged with conspiring to burglarize and steal property and currency from various schools, public facilities and businesses in the City of Boaz. Additionally, while performing traffic stops the defendants targeted Hispanic residents as victims for their scheme of thefts. The police captain was convicted at trial while the four remaining defendants entered guilty pleas pre-trial. The defendants were sentenced to terms of incarceration ranging from 10 to 35 months in prison.

U.S. v. Herrera (5/14/01) (E.D. Tex.)

A correctional officer at the Beaumont Federal Correctional Complex pled guilty to conspiring to obstruct justice by providing and encouraging others to provide false or misleading information and testimony regarding the unlawful assault of an inmate. The defendant was sentenced to five years probation.

U.S. v. Rawlings and Buntz (5/16/01) (M.D. Penn.)

A patrolman with the Scranton Police Department was acquitted of assaulting a detainee and the patrolman as well as a sergeant were acquitted with obstruction of justice for subsequently submitting false reports indicating that the detainee's injuries were self-inflicted.

U.S. v. Fuller, et al. (5/17/01) (D.N.M.)

Four officers at the Lea County Correctional Facility in Hobbs were charged with kicking an inmate multiple times in the head while he was lying on the floor and while one of the four defendants, a lieutenant, failed to prevent the assault. The defendants subsequently prepared and submitted false statements to investigators in order to hide the truth about the assault. Three of the defendants were convicted at trial while the fourth defendant entered a guilty plea pre-trial. The defendants were sentenced to terms of incarceration ranging from 24 to 78 months.

U.S. v. Rehq and Bequette (5/31/01) (E.D. Mo.)

Two officers with the Bellefontaine Neighbors Police Department were acquitted for kicking the victim after he was on the ground and in handcuffs, resulting in a fractured rib. One of the two officers was also acquitted on charges of obstructing justice in connection with the investigation.

U.S. v. Laughter (6/20/01) (N.D. Miss.)

A Sergeant at the Desoto County Jail was acquitted of directing inmates to beat another inmate. The beating was

allegedly ordered in retaliation for an earlier dispute between the defendant and the victim.

U.S. v. Garcia (7/2/01) (D.N.M.)

A Bureau of Indian Affairs police lieutenant pled guilty to handcuffing the victim to a flagpole and leaving him overnight causing frostbite. The defendant was sentenced to five years probation.

U.S. v. Driskell (7/16/01) (E.D. Tenn.)

A supervisory correctional officer at the Whiteville Correctional Facility pled guilty to obstructing justice by corruptly persuading another officer to write a false report relating to his assault upon an inmate. The defendant was sentenced to six months home detention, $5,000 fine and two years of probation.

U.S. v. Guadalupe, et al. (7/26/01) (E.D. Penn.)

Two correctional officers with the Curran Fromhold Correctional Facility were convicted while three other correctional officers were acquitted of severely beating an inmate at the prison in retaliation for his being a witness against a correctional officer from the facility in an unrelated case. One other correction officer was convicted of obstruction of justice for attempting to persuade one person from withholding information from law enforcement officers and attempting to persuade a second person to not take or provide photographs to law enforcement officers. One defendant was sentenced to 30 months in prison while two others were sentenced to 15 months in prison.

U.S. v. Stallworth, et al. (8/9/01) (S.D. Ala.)

Six officers with the Prichard Police Department were charged with stealing drugs, money and other property from individuals detained for alleged criminal offenses and/or during searches. The defendants would keep some or all of the money and property for themselves rather than turning it over to the Prichard Police Department. The officers placed false and misleading information in police reports, search warrant returns and police paperwork in order to avoid detection and threatened witnesses with violence and the prospect of criminal prosecution in an effort to conceal their illegal activities. Four defendants pled guilty while two other defendants were convicted at trial. The defendants were sentenced to terms of incarceration ranging from 12 to 43 months. One defendant was sentenced to two years probation.

U.S. v. Markin (8/20/01) (E.D. Tenn.)

A deputy sheriff with the Madison County Sheriff's Department pled guilty to assaulting the victim during the booking process while he was handcuffed. The defendant was sentenced to 12 months in prison.

U.S. v. Ferreira and Smith (8/29/01) (C.D. Cal.)

One Seal Beach Detention Facility custodial officer was convicted while the second defendant was acquitted on charges relating to the assault of an inmate who was intoxicated and being held at the jail overnight. The defendant solicited another inmate to assault the victim because he was making too much noise in his cell. The defendant was sentenced to 51 months in prison.

U.S. v. Giordano and Jones (9/12/01) (D. Conn.)
(Superseding Indictment, 1/16/03)

The elected Mayor of the City of Waterbury was convicted of depriving two young girls of their civil rights under color of law by coercing and forcing them to perform sexual acts on him. In addition, defendant Giordano was convicted of conspiring to and for using the telephones in order to arrange sexual encounters with the two minor girls. The defendant was sentenced to 37 years in prison. A citizen of Waterbury who assisted Giordano entered a guilty plea.

U.S. v. Flores (12/4/00) (C.D. Cal.)

The former girlfriend of a former Los Angeles Police Department officer pled guilty to making false statements to the Federal Bureau of Investigation. The defendant admitted that she lied to the FBI when she claimed that she witnessed two Los Angeles police officers commit a double homicide during a drug deal, that she had never observed a dead body in the officers' car, and that she did not know of any homicide victims buried in Tijuana. The defendant was sentenced to 14 months in prison.

U.S. v. McLaughlin (4/10/01) (M.D. Fla.)

A civilian resident of Jacksonville pled guilty to conspiracy, with death resulting, in connection with the robbery and slaying of a Jacksonville convenience store owner who was found dead a day after withdrawing $50,000 from a South Trust Bank. The defendant was sentenced to 19 years and 7 months imprisonment and ordered to pay $108,901 restitution. (See U.S. v. Waldon, et al., listed above.)

FY2000

U.S. v. Rathburn (10/5/99) (W.D.N.C.)

The former Woodfin Chief of Police was convicted of using excessive force in seven separate incidents, involving six separate arrestees. The defendant was sentenced to 37 months in prison.

U.S. v. Monroe, U.S. v. Blum (10/21/99)
U.S. v. Curtis (10/22/99) (E.D. Mo.)

Three officers of a multi-jurisdictional police task force in St. Charles County, Missouri, pled guilty to stealing money and property from a home during the course of the execution of a search warrant. Two defendants were sentenced to four months home detention while the third defendant was sentenced to five months home confinement.

U.S. v. Ware (11/3/99) (N.D. Ga.)

A Corporal at the Cherokee County Sheriff's Office pled guilty to standing on the victim's back for approximately three minutes while the victim was face-down and handcuffed on the ground. The victim was then placed in a restraining chair and put into an enclosed holding cell where the defendant sprayed two bursts of chemical pepper spray under the door and into the victim's cell while he was quiet and non-resistant. The defendant was sentenced to one year probation, 200 hours community service and fined $1,000.

U.S. v. McBride (11/3/99) (W.D. Okla.)

A Bureau of Prisons correctional officer at the Federal Transfer Center in Oklahoma City was convicted of engaging in various degrees of sexual misconduct with five female inmates. The defendant was sentenced to 146 months in prison.

U.S. v. Beauchamp (11/4/99) (D. Conn.)

One officer with the Hartford Police Department was convicted for forcing prostitutes to engage in sexual acts under the threat of arrest. The defendant was sentenced to 24 months in prison. (See U.S. v. Rivera, et al., filed during the previous fiscal year.)

U.S. v. White (11/4/99) (D. Ariz.)

An Immigration and Naturalization Inspector pled guilty to striking an unresisting Mexican national at the port of entry in

Nogales, Arizona. The defendant was sentenced to two years probation and fined $3,000.

U.S. v. Harris (11/18/99) (N.D. Miss.)

The Chief of Police of the Golden Police Department was convicted of striking the victim several times in the head with a baton while the victim was handcuffed in the back of a patrol car. The defendant was sentenced to 13 months in prison. The government appealed the sentence and the Fifth Circuit affirmed the decision of the district court to enter a downward departure but vacated the sentence and remanded for re-sentencing, holding that the extent of the downward departure was not reasonable. The defendant was re-sentenced to 15 months in prison.

U.S. v. Williams (12/7/99) (W.D. Okla.)

A Detention Officer with the Oklahoma City Detention Center pled guilty to assaulting an inmate, who owed the defendant money for drugs, in front of witnesses as a lesson to all of them. The defendant was sentenced to 18 months in prison to be followed by three years supervised release and 104 hours of community service.

U.S. v. Messinger (12/9/99) (S.D. W.Va.)

A trooper with the West Virginia Department of Public Safety was convicted of entering the victim's home and punching and kicking him numerous times. After cuffing the victim and placing him in the police cruiser, the defendant assaulted him several times while in the back seat of the cruiser with the victim. These assaults followed a verbal exchange between the defendant and victim which resulted because the defendant was angry that the victim had called local police after hearing gunshots outside his home. The defendant was sentenced to 87 months in prison to be followed by three years supervised release.

U.S. v. Geston (12/14/99) (S.D. Cal.)

A Department of Defense police officer was convicted of hitting the victim, a naval officer who had been arrested without incident for drunk driving and returned to his ship's command, over the head with a police-baton causing a laceration requiring sutures to close. Once the victim was handcuffed and lying on the floor, the defendant stood on the victim's back with both feet and jumped up and down causing significant injury. The defendant was sentenced to 18 months in prison. This conviction was overturned by the Court of Appeals. The defendant subsequently pled guilty to a misdemeanor violation of using excessive force under color of law and was sentenced to six

months community confinement to be followed by three years supervised release.

U.S. v. McCarter and Rodgers (12/20/99) (S.D. Tex.)

An officer with the Houston Police Department and a civilian conspired to steal $30,000 from the victim during a planned traffic stop. The officer was convicted at trial and sentenced to 41 months in prison to be followed by three years supervised release and he was fined $6,500. Hung juries were declared at two separate trials on charges against the civilian defendant. The government ultimately dismissed the charges against the civilian defendant.

U.S. v. Franklin and Clark (1/4/00) (E.D. Ark.)

A captain and correctional officer with the Grimes Correctional Facility pled guilty to punching and kicking an inmate in the face and body following a verbal disagreement between the inmate and the defendants. The victim was ordered into a gymnasium where he was provoked into the physical altercation with the officers. The captain was sentenced to 18 months in prison and the correctional officer was sentenced to six months home detention.

U.S. v Pickard, et al. (1/13/00) (D.V.I.)

Four police officers with the Virgin Islands Police Department were charged with engaging in a wide-ranging conspiracy to intimidate and assault persons in an effort to rid the downtown area of drug users and street people. This indictment supersedes an indictment returned during FY99 charging two of the four defendants charged here. Therefore, only two defendants are counted as defendants charged during FY2000 and this indictment is not being counted as a case filed during FY2000. Three of the four officers were convicted at trial and were sentenced to terms of incarceration ranging from 24 to 117 months in prison. Following a hung jury on charges against the fourth defendant, he pled guilty prior to retrial and was sentenced to 6 months probation.

U.S. v. Manns, et al. (2/15/00) (W.D. Tenn.)
U.S. v. Lewis, et al. (9/14/00) (W.D. Tenn.)

Five employees of the Arlington Development Center were charged with allegedly beating to death a 38-year-old severely retarded mute resident at the Center. Four of the five defendants entered guilty pleas while the fifth defendant was convicted at trial. The defendant were sentenced to terms of incarceration ranging from 60 to 180 months in prison.

U.S. v. Martin (2/16/00) (E.D. Okla.)

A former City Inspector for Muskogee, Oklahoma, pled guilty to using his state authority to sexually abuse two women during purported housing inspections. The defendant also pled guilty to corruptly persuading a woman from presenting testimony in a pending federal civil lawsuit against him. He was sentenced to 21 months in prison to be followed by two years supervised release, during which he must undergo mental health counseling.

U.S. v. Powers and Garcia (2/22/00) (N.D. Cal.)

Two correctional officers at Pelican Bay State Prison were convicted of conspiring to cause inmates convicted of sex offenses and otherwise disfavored by the defendants, to be assaulted by other inmates. One defendant was sentenced to 84 months in prison while the other defendant was sentenced to 76 months.

U.S. v. Venable, et al. (3/2/00) (D. Kan.)

Three officers with the United States Penitentiary at Leavenworth were acquitted of assaulting inmates in their custody.

U.S. v. Lamp (3/9/00) (S.D. Ohio)

A correctional officer with the Noble Correctional Institution pled guilty to contracting a white supremacist inmate to assault and beat the victim, an African American inmate. The defendant arranged for the two inmates to be placed together in the recreation yard where the beating occurred. The defendant was sentenced to 126 months in prison.

U.S. v. Lambright and Torres (3/16/00) (E.D. Tex.)

Two correctional officers at the Terrell Prison Unit of the Texas Department of Criminal Justice pled guilty to beating and kicking an inmate, resulting in the inmate's death. The defendants were sentenced to 97 and 60 months in prison. Prior to the federal prosecution, the defendants had been convicted of manslaughter in state court for killing the inmate after he allegedly spit on a guard following an inmate riot earlier that day. However, both prison guards received only minimal prison sentences which resulted in their serving only three months in jail.

U.S. v. Matte and Abood (3/30/00) (D.N.H.)

One correctional officer at the Hillsborough County House of Corrections pled guilty to conspiring to hinder an investigation by agreeing with other correctional officers to cover up the assault against a pre-trial detainee at the jail. He was sentenced to 18 months in prison. A second correctional officer entered pre-trial diversion.

U.S. v. Parker, et al. (4/4/00) (W.D.N.Y.)

Four officers with the Buffalo Police Department were charged with conspiracy as well as other non-civil rights criminal charges in connection with a sting operation in which the officers were told a fictitious story regarding a Jamaican drug trafficker who had stashed a large sum of money and jewelry in a house in Buffalo. The officers proceeded to break into the house and steal the money and jewelry. Three defendants were convicted and sentenced to terms of incarceration ranging from 41 to 136 months. The fourth defendant was acquitted at trial.

U.S. v. Ruiz and Taylor (4/5/00) (C.D. Cal.)

Two officers with the Los Angeles Police Department pled guilty to falsely charging an arrestee with carrying a concealed weapon and subsequently testifying falsely at his trial regarding their observations in support of the arrest and prosecution. One defendant was sentenced to five months in prison to be followed by five months home detention while the other officer was sentenced to two years probation, $200 hours of community service and ordered to pay a $3,000 fine.

U.S. v. Stewart (5/1/00) (S.D. Cal.)

A Border Patrol agent in Temecula, California, pled guilty to obstruction of justice in connection with the investigation into the use excessive force against a Mexican resident alien. The defendant was sentenced to six months home confinement.

U.S. v. Grice, U.S. v. Frier, U.S. v. Humphries (5/4/00) (D.S.C.)

A polygrapher entered a nolo contendere plea and was fined $250 for intentionally videotaping a murder suspect's meeting with his attorney while the defendant and a detective and state prosecutor in South Carolina watched the interview on videotape. Thereafter, the murder suspect was arrested and charged with first degree murder. Charges against the detective and state prosecutor were dismissed by the government.

U.S. v. Smith, et al. (6/20/00) (D.N.J.)

Five officers with the Orange Police Department were convicted of assaulting an arrestee in connection with the

shooting death of another Orange police officer. The assaults occurred while the victim was lying with his hands cuffed behind his back, first on the sidewalk, then in the patrol car and finally on the floor of a back stairwell at police headquarters. The victim died in police custody less than an hour after his arrest. Six days later, another individual was charged and subsequently pleaded guilty in the murder of the police officer. At a post-trial Rule 29 hearing, the judge dismissed the §241 charge on legal grounds leaving only three of the five defendants with convictions.

U.S. v. Gieger (6/21/00) U.S. v. Gutierrez (7/21/00) (D. Colo.)

Two correctional officers at the United States Penitentiary at the Federal Correctional Complex in Florence, Colorado, pled guilty to assaulting an inmate at the prison. The officers were sentenced to terms of probation and ordered to complete community service.

U.S. v. Christian, et al. (7/12/00) (S.D. Ind.)

One officer with the Kokomo Police Department, who was convicted of punching and kicking an arrestee in the body and in the face, was sentenced to 33 months in prison. Two other Kokomo police officers pled guilty to holding the victim down in a chair during the assault and were sentenced to two years probation.

U.S. v. Vangates, et al. (7/13/00) (S.D. Fla.)

One correctional officer employed by the Florida Department of Corrections and Rehabilitation and assigned to the Metro Dade Jail, was convicted on charges of attacking and physically assaulting an inmate resulting in multiple contusions, bruises to her face, back and neck, and a possible fractured eye socket. In addition, the defendant was convicted on charges of tampering with a witness for providing a false exculpatory statement in an effort to prevent a witness from testifying in an official proceeding. The defendant was sentenced to 17 months in prison. Two other correctional officers were acquitted.

U.S. v. Smith (8/31/00) (S.D. Fla.)

A detention enforcement officer at the Krome Service Processing Center pled guilty to sexual contact with a male transgender detainee in his custody. The defendant was sentenced to 8 months in prison.

U.S. v. Wade (9/13/00) (E.D. Ark.)

A correctional officer with the Arkansas Department of Corrections was convicted for kicking and beating an inmate in the back of the head with a set of jail keys. The first portion of the beating occurred in the prison corridor connecting the victim's cell and continued in the shower area and ended in the Captain's office. The defendant was sentenced to 21 months in prison to be followed by two years supervised release.

U.S. v. Beard (9/13/00) (C.D. Cal.)

One officer with the Los Angeles Police Department was acquitted of stopping and detaining the victim and falsely submitting a police report charging him with committing a traffic violation, and subsequently testified falsely at the victim's preliminary felony hearing and a suppression hearing regarding his observations in support of the charges against the victim.

U.S. v. Mohr, et al. (9/20/00) (D. Md.)

Two officers of the Prince George's County Police Department, and one former detective with the Takoma Park Police Department were charged with releasing their K-9 dog on arrestees who had already surrendered and posed no threat. Prior to releasing the dog on the non-resisting suspects, one officer asked a Takoma Park officer if the dog could "take a bite" out of the victims, and the dog was allowed to bite the arrestees. The Takoma Park detective was also charged with writing a false report and pursued unsupported burglary charges against the two victims after he personally witnessed the alleged abuse. Defendant Mohr was convicted at trial and sentenced to 10 years in prison while the other Prince George's County officer was acquitted. The judge granted a Motion for Judgment of Acquittal in connection with charges against the Takoma Park detective.

U.S. v. Oliva (9/20/00) (M.D. Fla.)

A correctional officer with the Hamilton County Correctional Institution pled guilty to taking an inmate into a boiler room at the North Florida Reception Center and beating him with a pair of handcuffs. The defendant was sentenced to one year and one day in prison. He was also ordered to participate in a mental health program.

U.S. v. Pollard (9/26/00) (D. Colo.)

A correctional officer at the Huerfano Correctional Facility pled guilty to beating a handcuffed inmate who had assaulted a correctional officer. The inmate was then transported to the intake area of the facility and while still handcuffed, leg

shackled and belly chained, beaten again. The defendants were sentenced to 24 months in prison.

FY1999

U.S. v. McManus (10/2/98) (W.D. Okla.)

A Bureau of Prisons correctional officer at the Federal Transfer Center in Oklahoma City pled guilty to engaging in sexual acts on separate occasions with three different female inmates at the Federal Transfer Center. The defendant was sentenced to 180 consecutive days of home confinement and three years probation.

U.S. v. McGreevy, et al. (10/6/98) (D.R.I.)

Three police officers assigned to work with a Department of the Attorney General of the State of Rhode Island Strike Force, and a confidential informant working with the Strike Force were charged with knowingly providing false witness statements to Rhode Island assistant attorneys general for the purpose of supporting criminal charges initiated by the filing of an information. The alleged false witness statements were used to support the filing of criminal charges against numerous individuals, the seizure of vehicles and search and arrest warrants without probable cause. Two defendants were acquitted at trial and a hung jury was declared in connection with charges against the third defendant. The fourth defendant remains in fugitive status.

U.S. v. Ridgeway (10/8/98) (S.D. Fla.)

An officer with the Miami-Dade Police Department pled guilty to sexually assaulting a woman after stopping her for an ostensible traffic violation.

U.S. v. Wagner (10/20/98) (E.D. Mich.)

An officer with the Detroit Police Department was convicted of hitting the victim, who was handcuffed and compliant, in the head with a police radio and slapping him in the back of the head during and after a traffic stop. The defendant was sentenced to 27 months in prison.

U.S. v. Webb (12/9/98) (E.D. Ark.)

The Independence County Sheriff was convicted of sexually assaulting and soliciting sexual favors from a female in his

custody. The defendant was sentenced to five months in prison and five months home detention.

U.S. v. Brunson (12/6/98) (N.D. Fla.)

An officer with the Crestview Police Department pled guilty to providing false statements to the FBI in connection with an investigation relating to allegations that he ordered victims to perform sexual acts on three separate occasions. The defendant was sentenced to 60 days in jail, three years probation and fined $3,000.

U.S. v. Sawdon and Dieter (2/12/99) (N.D. Ind.)

Two officers with the St. Joseph Sheriff's Department were acquitted on charges relating to the beating of a county jail inmate, resulting in the inmate's death.

U.S. v. Lower (4/1/99) (E.D. Mo.)

An officer with the Olympian Village Police Department was convicted of kicking the victim repeatedly in the face and back during the course of questioning him about a stone hitting his police vehicle. The victim received an orbital bone facial fracture, as a result of the assault. The defendant was sentenced to three years probation and ordered to pay $437 restitution for medical bills.

U.S. v. Rivera, U.S. v. Basile, U.S. v. Pizarro, U.S. v. Abateillo, U.S. v. Gallo (4/7/99) (D. Conn.)

Five officers with the Hartford Police Department were charged with allegedly forcing prostitutes to engage in sexual acts under the threat of arrest. Four of the five defendants entered guilty pleas while the fifth was convicted at trial. The defendants were sentenced to terms of incarceration ranging from four months to ten years in prison.

U.S. v. Pearson and Anthony, U.S. v. Brewster (4/8/99) (M.D. Tenn.)

Three correctional officers at the Davidson County Jail were charged with allegedly beating a mentally-disabled inmate. In addition, two of the three defendants was charged with providing false statement to the FBI during their investigation and one of the three defendants was also charged with tampering with a witness. One of the three defendants has entered a guilty plea for his involvement in the beating incident and was

sentenced to six months home arrest and fined $3,000. The two other defendants were convicted for making false statements to the FBI but were acquitted on all other charges. They were sentenced to five months in prison to be followed by five months home arrest and two years supervised release. They were also ordered to perform 200 hours of community service.

U.S. v. Brown and Troxel (4/22/99) (N.D. Ind.)

Two police officers with the Gary Police Department were convicted of kicking, punching, holding a gun to the head of and threatening to kill the victim, a cross-country truck driver. One defendant was sentenced to 130 months in prison while the other defendant was sentenced to 123 months in prison.

U.S. v. Britt and Copes (5/12/99) (W.D. La.)

Two defendants, the Sheriff of Tensas Parish, and the Warden of the Tensas Parish Detention Center, were charged with assaulting five Immigration and Naturalization Service detainees and one state prisoner while housed at the Tensas Parish Detention Center in Newellton, Louisiana. The beatings, which involved fists and clubs, resulted in broken hands on two of the inmates, a facial cut on one inmate, and severe bruising on all the inmates' torsos, legs and buttocks. Defendant Britt entered a guilty plea to four state felony charges of malfeasance in office in which he admitted guilt to the facts in this case as well as the case filed during fiscal year 1998. He was immediately sentenced to four years probation with the conditions that he resign as Sheriff of Tensas Parish and he never work in law enforcement again. As a result of this guilty plea, all federal charges were dismissed against defendant Britt. Trial of defendant Copes resulted in his acquittal on charges of tampering with a witness. A hung jury was declared on all remaining charges. These charges were ultimately dismissed by the government.

U.S. v. Fetzer (5/25/99) (D. Del.)

A correctional officer at the Delaware Correctional Center was acquitted of beating two handcuffed and shackled inmates following a disturbance at the facility.

U.S. v. Velazquez (5/25/99) (E.D.N.Y.)

Two correctional officers at the Nassau County Correction Center were charged with assaulting an inmate inside his cell while a third correctional officer acted as a lookout just outside the cell. Three days after the beating, the inmate collapsed in his cell and was transported to the hospital where he died as a result of injuries sustained during the beating by

the correction officers. These three correctional officers entered guilty pleas. Two of the three defendants were sentenced to 135 months in prison. A fourth defendant, a corporal correction officer at the Center, who was charged with submitting false reports, was convicted at trial and sentenced to 70 months in prison.

U.S. v. Voice (5/28/99) (D.S.D.)

A Native American tribal law enforcement officer pled guilty to sexually assaulting the victim while acting in his capacity as a law enforcement officer. The defendant was sentenced to 12 months in prison.

U.S. v. Lewis (6/8/99) (N.D. Cal.)

A correctional officer at the Pelican Bay State Prison was convicted of shooting an inmate in the chest from a distance of 343 feet. The defendant shot the victim because of his dislike of inmates committed for child molestation and other sex offenses. The defendant was sentenced to 93 months in prison.

U.S. v. Woody (6/8/99) (D. Idaho)

An officer with the Fort Hall Police Department was acquitted on charges of beating an arrestee after he was restrained in handcuffs.

U.S. v. Bowles (6/16/99) (D. Mass.)

The defendant, the Lakeville Chief of Police, pled guilty to using a recording device on an employee phone line for a two week period in June and November 1994. The defendant was sentenced to three years probation, fined $7,500 and as a condition to probation he cannot serve in a rank higher than patrolman.

U.S. v. Brown, et al. (6/17/99) (Superseding Indictment, 2/3/00)
U.S. v. Duarte (6/2/99)(D. Haw.)

Six officers with the Honolulu Police Department pled guilty to charges relating to the assault of the victim upon his arrival at the Central Receiving Division from the Pearl City station. The defendants were sentenced to terms of incarceration ranging from 6 to 51 months.

U.S. v. Aleman and Rosario (6/21/99) (E.D.N.Y.)

Two police officers assigned to the Street Crime Unit of the 70th Precinct of the New York City Police Department were charged with lying to authorities investigating the assault on Abner

Louima. One defendant pled guilty to presenting false statements to the FBI and was sentenced to two years probation. The other defendant was convicted at trial of conspiring to present false statements and was sentenced to three months of home detention and three years probation.

U.S. v. Ellison (6/28/99) (N.D. Ga.)

A correctional officer with the Gwinnett Regional Youth Detention Center was acquitted of sexually assaulting a fourteen year-old juvenile detainee.

U.S. v. Armstrong (7/13/99) (D. Colo.)

A correctional officer at the United States Penitentiary at the Federal Correctional Complex in Florence, Colorado, pled guilty to conspiring to assault inmates at the prison.

U.S. v Pickard and Bates (8/3/99) (D.V.I.)

Two police officers with the Virgin Islands Police Department were charged with violating numerous federal and Virgin Island territorial offenses for allegedly abusing their positions as police officers and using unjustified force and intimidation to assault and falsely arrest certain people in an effort to rid the downtown area of drug users and street people. Defendant Ronald Pickard was sentenced to 117 months in prison to be followed by three years supervised release, and a $2,500 fine, defendant Dean A. Bates was sentenced to 80 months in prison to be followed by three years supervised release and a $2,000 fine, and defendant

U.S. v. Rice, et al. (8/10/99) (E.D. Mich.)

Six officers with the Detroit Police Department were charged with conspiring to violate civil rights through illegally entering and robbing homes and drug violations. Three of the six defendants were convicted at trial while one was acquitted on all charges. Federal charges were dismissed in exchange for a guilty plea to state charges by another defendant and federal charges were dismissed against the final defendant.

U.S. v. Brady (8/17/99) (D. Nev.)

A former Las Vegas Metro police officer, involved in the drive-by murder of an Hispanic man, pled guilty to conspiring with another ex-police officer to harass and intimidate Hispanic persons in connection with the drive-by murder. The defendant was sentenced to 9 years in prison, five years probation, 150 hours of community service and $6,000 restitution.

U.S. v. Howell (9/9/99) (D.N.M.)

One guard at the San Juan County Detention Center was convicted of organizing the beating of an inmate by two other inmates because the victim had insulted officers during booking. The defendant was sentenced to 87 months in prison.

U.S. v. Whitaker, U.S. v. Monclova (9/9/99) (D.N.M.)

Two guards at the San Juan County Detention Center pled guilty to sexually assaulting several inmates at the center. One defendant was sentenced to four years in prison while the other defendant was sentenced to 90 days in prison.

U.S. v. Strouse and Willis (9/20/99) (S.D. Tex.)

Two officers with the Houston Police Department were charged with conspiring to illegally enter a home during a drug search resulting in the fatal shooting of the victim. The Court dismissed the indictment finding that perjured testimony had been presented to the federal grand jury and that there was no probable cause for the indictment.

U.S. v. Bowie (9/21/99) (S.D. Miss.)

A police officer with the Jackson Police Department was acquitted of kicking the victim, breaking three ribs necessitating the removal of the victim's spleen.

FY98

U.S. v. Scott (10/9/97) U.S. v. Crespo (10/28/97) (S.D.N.Y.)

Two detectives with the New York City Police Department pled guilty to conspiring to steal money and drugs on two separate occasions. The first incident involved the theft of drug money from a van amounting to approximately $18,000 and the second incident involved the theft of drugs from an apartment in Manhattan.

U.S. v. Troisi (10/9/97) (N.D. W.Va.)

A West Virginia Circuit Court Judge was acquitted of charges that he bit on the nose of a criminal defendant appearing in front of him causing minor physical injury.

U.S. v. Mills (10/21/97) (D. Colo.)

A correctional officer with the Federal Penitentiary in Florence, Colorado, was convicted for kicking and punching a handcuffed inmate, resulting in a cut over the inmate's right eye. The defendant was sentenced to 33 months in prison to be followed by three years supervised release.

U.S. v. Wolf, et al., U.S. v. Graham (12/16/97) (S.D. Cal.)

Six military police officers and United States Marines allegedly attacked migrant farm workers at a settlement close to Camp Pendleton, California. During the attack, the defendants threw a Mexican worker to the ground, handcuffed him and beat him unconscious. They threw the wife of another worker to the ground when she attempted to assist her husband. One officer was convicted at trial while four other officers pled guilty for their involvement in this incident. One other officer pled guilty to tampering with a witness in connection with the investigation and he was sentenced to four months home detention. One defendant was sentenced to 27 months in prison while two other defendants were sentenced to 24 months in prison. A fourth defendant was sentenced to 15 months in prison. These four defendants were ordered to pay $500 restitution to cover hospital expenses. One other defendant was sentenced to six months in prison.

U.S. v. Maresca (12/16/97) (D.N.J.)

One officer with the Palisades Park Police Department pled guilty in connection with a scheme to burglarize and steal property from various residences and business establishments in the town of Palisades Park, New Jersey. The officer was sentenced to three months in prison and three months home detention to be followed by one supervised release. He was also fined $3,000 and ordered to pay $23 restitution. (See also, U.S. v. Giannantonio, et al., U.S. v. Anderson and Shirley, U.S. v. Shirley and U.S. v. Maurer.)

U.S. v. Moran (12/17/97) (D. Md.)

A Corporal with the Prince George's County Police Department pled guilty to beating the victim, who was handcuffed, with a nightstick after being summoned to a dispute between neighbors. As a result of the beating, the victim received several nightstick shaped bruises on his arms and legs. The defendant was sentenced to five months in prison to be followed by five months home detention.

U.S. v. Livoti (1/13/98) (S.D.N.Y.)

A New York City police officer was convicted for placing an arrestee in an illegal choke hold with sufficient pressure to

cause the victim to asphyxiate. The victim had been playing football with his brothers outside his family's home when the football bounced off the officer's car parked nearby. The defendant was sentenced to 90 months in prison.

U.S. v. Smith (1/16/98) (D.N.J.)

An officer with the Patterson Police Department pled guilty to spraying a handcuffed arrestee multiple times with mace, pulling the victim over the hood of a police car and stomping on him when the victim failed to give a complete home address. The defendant was sentenced to six months home detention to be followed by five years probation and he was fined $3,000.

U.S. v. Hotujec (1/20/98) (D. Kan.)

An officer with the Kansas City police Department pled guilty to striking a handcuffed victim in the stomach with his open palm with sufficient force to cause the victim to fall to his knees. The defendant was sentenced to 10 days in a halfway house to be followed by one year supervised release and he was ordered to perform 50 hours of community service.

U.S. v. Brocato, et al. (1/21/98) (W.D. La.)

Three defendants, a Newellton police officer, a deputy with the Tensas Parish Sheriff's Office and the Chief of Security at the Tensas Parish Detention Center in Newellton, Louisiana, pled guilty to beating five Immigration and Naturalization Service detainees and one state prisoner with fists and clubs, breaking hands on two of the inmates, cutting one inmate's face, and severely bruising all the inmates' torsos, legs and buttocks. he defendants were sentenced to one year and one day in prison to be following by one year home confinement and one year supervised release.

U.S. v. Shepack and Munguia (1/22/98) (E.D. La.)

Two New Orleans police officers were acquitted on charges relating to the assaults of two victims after they were chased and subdued following a bar room fight. One of the officers allegedly pistol-whipped two handcuffed victims while the other joined in by kicking at least one of the two victims. One of the two officers was also acquitted for allegedly beating a motorist after a traffic stop.

U.S. v. Colbert (2/4/98) (E.D. Mo.)

An officer with the Pagedale Police Department was charged with removing a pre-trial detainee from his cell at the Pagedale police station, and striking him repeatedly on the face and head

as well as lying to a federal grand jury. As a result of the beating, the victim suffered bruises and contusions to his face and head. The defendant pled guilty to committing perjury before the grand jury, and the count charging the defendant with violating 18 U.S.C. §242 was submitted to the court on stipulated facts in which the defendant admits he intentionally assaulted the victim, a prisoner. The defendant was sentenced to 27 months in prison to be followed by three years supervised release and he was ordered to pay $814 restitution.

U.S. v. Olsen (2/11/98) (E.D. Ark.)

An officer with the Conway Police Department was charged with striking a victim in the head several times with a flashlight during the course of an arrest. The defendant received pre-trial diversion.

U.S. v. Sierra (2/13/98) (N.D. Ill.)

One officer with the Chicago Police Department pled guilty for his role in the robbery of a store owner of a Chicago supermarket.

U.S. v. Vaughn, et al. (2/25/98) (E.D. Cal.)

Nine correctional officers at the State Penitentiary at Corcoran were acquitted of staging fights between inmates for the amusement of guards, resulting in gunfire from guards culminating in the death of one inmate and the injury of several other inmates.

U.S. v. Volpe, et al. (2/26/98) (E.D.N.Y.)

Five police officers assigned to the 70th Precinct of the New York City Police Department in Brooklyn were charged in connection with the assaults of two arrestees. Officers transported a Haitian immigrant to two different locations and allegedly beat him. During this same approximate time frame, one of the officers allegedly accosted, beat and arrested a second victim. Officers transported the two victims to the police station, took the Haitian man to a precinct bathroom, and allegedly kicked, punched and sodomized him with a wooden stick, causing massive internal and external injuries. Defendant Volpe entered a guilty plea mid-trial and was sentenced to 30 years in prison. Defendant Schwarz was convicted at trial while the three remaining defendants were acquitted on assault charges. Defendant Schwarz' conviction was overturned by the appellate court. A retrial resulted in Schwarz' conviction on one perjury charge and a hung jury on the conspiracy and assault charges against defendant Schwarz. Prior to a third trial, Schwarz

entered into a sentencing agreement and received five years in prison for the perjury conviction. As part of the agreement, the government dismissed the remaining charges against Schwarz. During a separate trial, three of the same defendants prosecuted in connection with the assault were convicted of obstructing justice. One of the three defendants was sentenced to 15 years and 8 months in prison and ordered to pay $277,495 restitution while the remaining two defendants were sentenced to five years in prison.

U.S. v. Taylor (4/8/98) (D. Kan.)

An officer with the Campbellsville Police Department pled guilty to threatening a witness who had been interviewed by the FBI. As part of the plea agreement, seven §242 misdemeanor charges relating to allegations that the defendant sexually assaulted or made sexual advances at seven different women were dismissed.

U.S. v. Bailey (4/14/98) (S.D. Cal.)

A correctional officer with the Bureau of Prisons Metropolitan Correctional Center pled guilty to engaging in sexual contact, on two separate occasions, with an inmate housed at the correctional facility. The defendant was sentenced to 45 days in a community confinement center, three years supervised release and ordered to participate in a program of mental health treatment as directed by the probation officer.

U.S. v. Britt (4/15/98)(W.D. La.)

The sheriff of Tensas Parish was charged with repeatedly kicking a handcuffed arrestee and striking him with a blackjack. The defendant was also charged with making false statements to the FBI. Trial resulted in a hung jury. The defendant entered a guilty plea to four state felony charges of malfeasance in office in which he admitted guilt to the facts in this case as well as the case filed on May 12, 1999. He was immediately sentenced to four years probation with the conditions that he resign as Sheriff of Tensas Parish and he never work in law enforcement again. As a result of this guilty plea, all federal charges were dismissed against defendant Britt.

U.S. v. Brandis (5/12/98) (D.S.D.)

A Mellette County sheriff's deputy was acquitted of assaulting the victim, an American Indian, on the head with a metal flashlight.

U.S. v. Flinn (5/19/98) (C.D. Cal.)

Trial of an officer with the Oxnard Police Department resulted in a hung jury for allegedly assaulting the victim several times with a flashlight and kneeing him in the face without provocation. The defendant was acquitted of subsequently filing false charges of battery against the victim to cover-up the incident.

U.S. v. Wallace (6/3/98) (S.D. Tex.)

A Lieutenant employed by Capital Correctional Resources, Inc., working in the Brazoria County Detention Center, was convicted for pushing a subdued and handcuffed inmate into the wall from several feet away, causing one broken tooth, one loose tooth and lacerations to the mouth requiring sutures. The defendant was sentnced to 46 months in prison to be followed by three years supervised release.

U.S. v. Bonacci (6/15/98) (W.D. Penn.)

An officer with the Swissvale Police Department was acquitted of allegedly striking an arrestee four times with a flashlight on the head and body while pursuing him on foot and kicking the arrestee in the chest while he was handcuffed and lying on his side.

U.S. v. Abraham, et al. (7/8/98) U.S. v. Robinson (7/10/98) (M.D. Fla.)

Ten correctional officers with the Florida Department of Corrections assigned to the Charlotte Correctional Institution, were charged with beating an inmate, who was HIV positive, on three separate occasions within a five day period, while he was restrained, in retaliation for the inmate biting a guard at another facility. Three defendants pled guilty pre-trial and were sentenced to three years probation and 50 hours of community. The remaining seven defendants were acquitted at trial.

U.S. v. Santos (7/14/98) (S.D.N.Y.)

An Amtrak police officer was acquitted of assaulting the victim with a firearm.

U.S. v. Arnold, et al. (7/27/98) (S.D. Tex.)

Four officers assigned to the Brazoria County Detention Center were charged with assaulting inmates during a videotaped cell search during which inmates were ordered to crawl out of their cell on their stomachs. During the search an inmate was kicked, shocked with a stun gun and bitten by a dog under the control of one of the defendants. One other defendant shocked

two other inmates with a stun gun. One defendant entered a guilty plea pre-trial, one defendant was convicted at trial, one defendant was acquitted. A hung jury was declared on the fourth defendant and those charges were ultimately dismissed by the government.

U.S. v. Sayes, et al. (7/28/98) (M.D. La.)

Two officers with the Louisiana State Penitentiary in Angola were charged in connection with beating an inmate who refused to submit to metal handcuff restraints. A third defendant, a Corrections Lieutenant and supervisor at the time of the assault, was charged with failing to prevent the assault and all three defendants were charged for preventing the inmate from receiving medical care and treatment for his injuries. The victim was denied medical attention for over 13 hours for his life threatening injuries including a punctured lung, broken ribs, a ruptured ear drum and a broken finger. All three defendants were convicted at trial. Two of the three defendants were sentenced to 87 months in prison and the third defendant was sentenced to 96 months in prison. In addition, the three defendants were ordered to pay $3,080 each to the two charity hospitals that treated the victim.

U.S. v. Hooks (8/19/98) (D. Kan.)

An officer with the Kansas City Police Department was acquitted of charges of assaulting the victim during the course of an arrest and perjury for providing false statement during the grand jury investigation. See U.S. v. Hotujec filed earlier this year.

U.S. v. Henderson (8/26/98) (W.D. La.)

A Sergeant at the Tallulah Correctional Center for Youth was acquitted of charges of striking a juvenile victim in the head with a hand held radio, causing a facial laceration and multiple contusions.

U.S. v. Villarreal (9/1/98) (S.D. Tex.)

An Inspector with the Immigration and Naturalization Service was convicted of selling valid immigration documents to undocumented Mexican aliens on several occasions and on one occasion extorting sexual favors from a female Mexican national in exchange for her illegal entry into the United States. The defendant was sentenced to 189 months in prison.

U.S. v. Cerasiello (9/15/98) (D.N.J.)

A Newark police officer pled guilty to conspiring to detain and search individuals, to confiscate money from them, to turn over only a portion of that money to the police department while keeping the remainder for personal gain and to providing false reports of the amounts seized to conceal the unlawful activity.

U.S. v. Scott and Kirkpatrick (9/17/98) (E.D. Mich.)

Two Special Agents with the Bureau of Alcohol, Tobacco and Firearms pled guilty to charges relating to the assault of an armed robbery suspect. During the arrest, the victim was placed face-down on the floor and stomped on the head and kicked while he was being cuffed. One defendant was sentenced to one month in prison, three months home detention, one year supervised release and fined $3,500. The second defendant was fined $350.

U.S. v. Bradley (9/22/98) (S.D. Ill.)

An officer with the Brooklyn, Illinois, Police Department, was convicted for firing two shots at the victim's vehicle in order to compel the victim to stop after the victim apparently ran a stop sign. The defendant was sentenced to probation.

U.S. v. Gray, et al. (9/23/98) (W.D. La.)

Three corrections officers at the Tullulah Correctional Center for Youth, were charged with assaulting four juvenile offenders incarcerated at the Center, one restrained in handcuffs while he was kicked, punched and maced. One defendant was convicted at trial and was sentenced to 27 months in prison to be followed by three years supervised release. The other two defendants were acquitted.

Cases Involving Burnings, Property Damage or Threats To Houses of Worship

FY2003

United States v. Shehadeh (6/20/03) (N.D.N.Y.)

One defendant pled guilty to arson for maliciously damaging the Temple Beth El.

United States v. Holleran and Hentz (10/24/02) (E.D. Penn.)

Two self-avowed members of the Ku Klux Klan pled guilty to spray painting swastikas and other threatening racist symbols on signs, buildings and structures in the King of Prussia area, including the Temple Brith Achim and the Monument to the Patriots of African Descent in Valley Forge National Park. One defendant was sentenced to 27 months in prison while the other was sentenced to 3 years probation, 300 hours of community service and ordered to pay a $1,500 fine and $450 restitution.

United States v. Hauth (10/2/02) (D. Or.)

The defendant, the self-styled leader of the Oregon State Boot Boys skinhead group, pled guilty to conspiring to carry out a rash of racist graffiti and cross burnings at a number of locations in Portland including a Korean church, a Jewish cemetery, an Asian store, a public middle school and two public parks. The defendant was sentenced to 33 months in prison.

FY2001

United States v. Corum (8/20/01) (D. Minn.)

One defendant was convicted of violating the Church Arson Prevention Act for making telephonic bomb threats to three synagogues. The defendant made religiously threatening and terroristic threats on the voice mail systems of the Bet Shalom Temple, Mount Zion Temple and Bais Yaakov School.

United States v. Wuertenberg (4/11/01) (W.D. La.)

The defendant, an admitted former member of a vampire cult and a witches coven called the "Lepers Moon," pled guilty to desecrating the St. Edmund Catholic Church located in Lafayette. The defendant set small fires throughout the church causing extensive smoke and soot damage to the building. In addition, the vandalism was indicative of an anti-religious motive including a

cross inverted and placed inside the tabernacle, holy oil poured into the baptismal font, symbols carved into a small altar and the consecrated Eucharist removed from the tabernacle, scattered on the floor and partially burned. The defendant was sentenced to 63 months in prison and ordered to pay $70,325 restitution.

United States v. Miller (3/23/01) (D. Minn.)

One defendant pled guilty to violating the Church Arson Prevention Act for sending the American Family Association, a Christian organization promoting the biblical ethic of decency as it relates to the family, a threatening message over the internet. The defendant was sentenced to two months in prison without work release.

United States v. Carraway (11/8/00) (D.S.C.)

The defendant pled guilty to conspiring to carry out three acts of racially-motivated violence in Sumpter, South Carolina. During one incident beer bottles were thrown through the window of the Sumter NAACP offices. During a second incident, one of three crosses displayed in front of the Goodwill Presbyterian Church, an African American church in Sumter, was stolen and the two other crosses in front of the church were burned. The next night, a Molotov cocktail was thrown through a window of the African-American St. Paul AME Church in Sumter. (See related cases, U.S. v. Crawford and U.S. v. John Doe (Juvenile)).

FY2000

United States v. Crawford (9/19/00)
United States v. John Doe (Juvenile) (9/19/00) (D.S.C.)

One adult and one juvenile defendant pled guilty in connection with three acts of racially-motivated violence in Sumpter, South Carolina. During one incident beer bottles were thrown through the window of the Sumter NAACP offices. During a second incident, one of three crosses displayed in front of the Goodwill Presbyterian Church, an African American church in Sumter, was stolen and the two other crosses in front of the church were burned. The next night, a Molotov cocktail was thrown through a window of the African-American St. Paul AME Church in Sumter. The adult defendant was sentenced to 37 months in prison.

United States v. Kuykendall (8/2/00) (E.D. Tenn.)

One defendant pled guilty to conspiring to spray paint racially threatening epithets on the Mt. Calvary Missionary Baptist Church, an African American church located in Knoxville, Tennessee on August 28, 1999. There was evidence that the defendant participated in the church desecration as part of a skinhead initiation. The defendant was sentenced to 40 months in prison.

United States v. Hamilton and McCurry (6/23/00) (N.D. Ala.)

Two defendants pled guilty to spray-painting racist and threatening graffiti on the walls of Bethlehem Baptist Church, a small black church located in an isolated rural area in Northern Alabama. One defendant was sentenced to 12 months in prison to be followed by 12 months supervised release and was ordered to pay $1,200 restitution while the other defendant was sentenced to 4 ½ months probation.

United States v. Ballinger (4/14/00) (N.D. Ohio)

The defendant pled guilty to violating the Church Arson Prevention Act in connection with the arson at the Otterbein United Brethren Church on January 23, 1999. The defendant was sentenced to 42 years and 7 months in prison to be followed by three years supervised release and he was fined $3,584,388 in connection with this church burning as well as other church burnings he pled guilty to committing.

United States v. Ballinger (4/14/00) (N.D. Ala.)

The defendant pled guilty to violating the Church Arson Prevention Act in connection with the arson at the Sunlight Baptist Church on October 27, 1996. The defendant was sentenced to 42 years and 7 months in prison to be followed by three years supervised release and he was fined $3,584,388 in connection with this church burning as well as other church burnings he pled guilty to committing.

United States v. Hudson, et al. (3/22/00) (D. Nev.)

Five defendants, self-avowed skinheads, pled guilty to violating the Church Arson Prevention Act for throwing a lit Molotov cocktail at a window of the Temple Emanu-El Jewish Synagogue in Reno, Nevada. The lit Molotov cocktail hit the window, shattering the destructive device which burned the window, a wooden sill and the outer portion of the window before falling to the ground. The defendants intent was to burn down the building because it was a Jewish Synagogue and doing so would enable them to earn merits as skinheads. The defendants were sentenced to prison terms ranging from 60 to 180 months. In addition, each defendant received three years supervised release and was ordered to pay $3,743.50, jointly and severally.

United States v. Williams and Williams (3/17/00) (E.D. Cal.)

Two defendants pled guilty to breaking into three synagogues, the Congregation B'Nai Israel, the Congregation Beth Shalom and the Kenesset Israel Torah Center, and setting them on fire, causing significant damage. Anti-semitic leaflets were found at two of the synagogue sites. Additionally, the defendants were responsible for a subsequent arson at the Choice Medical Group clinic. One of the two defendants pled guilty to the including the Church Arson Prevention Act. One defendant was sentenced to 30 years in prison while the other was sentenced to 21 years and 3 months.

United States v. Ballinger (11/30/99) (E.D. Tenn.)

The defendant pled guilty to violating the Church Arson Prevention Act in connection with the arson at the Little Hurricane Primitive Baptist Church in Manchester, Tennessee, on December 22, 1998. The defendant was sentenced to 42 years and 7 months in prison to be followed by three years supervised release and he was fined $3,584,388 in connection with this church burning as well as other church burnings he pled guilty to committing.

United States v. Wood (11/4/99) (S.D. Ind.)

One defendant pled guilty to federal charges including the Church Arson Prevention Act in connection with arsons at five churches within the Southern District of Indiana. The defendant traveled from state-to-state with her former boyfriend, Jay Scott Ballinger, as they sought out churches to burn. Upon arriving at a church, the defendant would act as lookout, and carry the gasoline to or from the church. On two occasions, she actually

lit the fires. The defendant was sentenced to 16 years and 8 months in prison to be followed by five years supervised release and was fined $350,000.

United States v. White (10/25/99) (W.D.N.C.)

One defendant pled guilty to making a threatening telephone call to the Greensboro Jewish Federation stating that all Jewish people will die and that, in the year 2000, that synagogues will be bombed.

United States v. Ballinger (10/14/99) (D.S.C.)

The defendant pled guilty to violating the 1996 Church Arson Prevention Act in connection with the arson of the Arm Oak Baptist Church in Jasper County, South Carolina on December 22, 1996. The defendant was sentenced to 42 years and 7 months in prison to be followed by three years supervised release and he was fined $3,584,388 in connection with this church burning as well as other church burnings he pled guilty to committing.

*United States v. Brown, et al. (10/7/99) (N.D.N.Y.)
United States v. John Doe (Juvenile) (2/2/00 (N.D.N.Y.

Four defendants, including three adults and one juvenile, were charged in connection with October 20, 1997, fire at the Believers Miracle Deliverance Church in Utica, New York. This church hosts an African American congregation. Two adult defendants were convicted at trial and sentenced to 60 and 33 months in prison and ordered to pay $149,904 restitution. The juvenile defendant entered a guilty plea pre-trial and was sentenced to six months probation. Charges against the third adult defendant were dismissed by the government without prejudice.

FY1999

United States v. Ballinger (9/8/99) (W.D. Ky.)

The defendant pled guilty to four violations of the 1996 Church Arson Prevention Act in connection with church burnings at Cedar Grove Baptist Church, Bolton Schoolhouse Missionary Baptist Church, Pleasant Hill Methodist Church and New Harmony Baptist Church. The defendant was sentenced to 42 years and 7 months in prison to be followed by three years supervised release and he was fined $3,584,388 in connection with these church burnings as well as other church burnings he pled guilty to committing.

United States v. Carbullido (6/30/99) (D. Nev.)

One defendant was charged with arson and use of a firearm in connection with the July 19, 1998 firebombing at the Church of Jesus Christ of Latter Day Saints. The defendant was found not guilty by reason of insanity.

United States v. Baker (6/30/99) (D. Ariz.)

One defendant was charged with arson and use of a firearm in connection with the May 23, 1999, bombing at the Latter Day Saints Church in Heber, Arizona. He was convicted and sentenced to 6 months home detention and a $200 fine.

United States v. Ballinger (5/20/99) (M.D. Ga.)

One defendant pled guilty to violating of the 1996 Church Arson Prevention Act in connection with the arson at the Sardis Full Gospel Church fellowship hall on December 25, 1998, and the January 1, 1999 fire at the Johnson United Methodist Church. The defendant was sentenced to life in prison and ordered to pay $10,000 fine and $500,000 in restitution.

United States v. Archer (4/27/99) (N.D. Ga.)

One defendant pled guilty to making a threatening telephone call to the New Jerusalem African Methodist Episcopal Church. During the call he stated his intention to blow up the church. The defendant was sentenced to one year in prison to be following by three years supervised release and he was fined $2,000.

United States v. Ballinger (4/20/99) (S.D. Ind.)

Defendant pled guilty to violating the 1996 Church Arson Prevention Act in connection with seven church arsons in the Southern District of Indiana, beginning on January 10, 1994, with the Concord Church of Christ, followed by the Liberty Baptist Church in Tipton County on March 1, 1994, the Hawcreek Missionary Baptist Church in Bartholomew County on April 21, 1998, the Grace Baptist Church in Hendricks County on June 10, 1998, the Ebenezer Presbyterian Church in Rush County on September 10, 1998, the Bethel Missionary Church in Putnam County on November 27, 1998 and the Christian Liberty Church in Boone County on November 27, 1998. The defendant was sentenced to 42 years and 7 months in prison to be followed by three years supervised release and he was fined $3,584,388 in connection with these church burning as well as other church burnings he pled guilty to committing.

United States v. Ballinger (4/20/99) (N.D. Ga.)

One defendant (the same defendant as reported above) pled guilty to violating the 1996 Church Arson Prevention Act in connection with three church arsons in Georgia, occurring within a span of nine days. The church arsons included the Amazing Grace Baptist Church in Murray County on December 23, 1998, the Mountain View Baptist Church fellowship hall, also in Murray County on December 24, 1998 and the New Salem United Methodist Church in Banks County on December 31, 1998. A volunteer firefighter was burned to death in this last arson when the upper level of the church collapsed as he and other volunteer firefighters entered the building. Three other volunteer firefighters were injured in this fire.

United States v. Puckett (4/12/99) (S.D. Ind.)

One defendant pled guilty to arson in connection with the January 10, 1994, fire at the Concord Church of Christ. He was sentenced to 27 months in prison to be followed by three years supervised release. He was also ordered to perform 150 hours of community service during each of the years of supervised release, and he was fined $1,500.

*United States v. Pierce (1/22/99) (D.N.J.)

One defendant pled guilty federal charges connection with the October 23, 1996, arson of the Church Upon the Rock and the Church of Jesus Christ in Jersey City, New Jersey. This church hosts a African American congregation. The defendant was sentenced to 36 months in prison, three years supervised release and ordered to pay approximately $14,000 in restitution.

United States v. Barnes, et al. (12/1/98) (D. Kan.)

Four defendants, the leader and three members of a self-described skinhead group, were charged with spray painting threatening graffiti on all sides of the Beth-El B'Y'Shue Messianic Synagogue. Three defendants pled guilty and were sentenced to terms of house arrest while the fourth defendant was convicted at trial and sentenced to 18 months in prison.

FY1998

United States v. Grassie (7/21/98) (D.N.M.)

One defendant was convicted of violating multiple charges of the 1996 Church Arson Prevention Act and arson charges in connection with the June 28, 1998, arson at the Church of Jesus Christ of Latter Day Saints in Roswell, New Mexico, causing 2.5 million dollars in damage to the church building, and to a series of vandalisms that occurred at three other Latter Day Saints churches in Alamogordo, Artesia and Alto, New Mexico, and the arson of a truck used in interstate commerce, in the two months leading up to the June 28 fire. The vandalism included destruction of musical instruments, pews, doors and walls resulting in damage in excess of $150,000. The defendant was sentenced to 15 years in prison to be followed by three years supervised release.

United States v. Quillen and Quillen (7/15/98) (N.D. Iowa)

Two defendants pled guilty to a cross burning and vandalism at the Second Baptist Church in Fort Dodge, Iowa on August 15, 1993. This church hosts an African American congregation. One defendant was sentenced to 102 months in prison while the other was sentenced to 41 months in prison.

*United States v. Pagnato and Lawson (6/28/98) (E.D. Va.)

Two defendants pled guilty to arson in connection with the June 9, 1998, fire at the Leesburg Christian School in Leesburg, Virginia. This church hosts a Caucasian congregation.

United States v. Todd and Wright (6/3/98)
United States v. John Doe (Juvenile) (7/9/98) (E.D. Tex.)

Three defendants, including one juvenile, pled guilty in connection with the May 8, 1998, arson of the Gainesville Church of Christ in Harrison County, Texas. This church hosts an African American congregation. The two adult defendants were sentenced to 60 months in prison to be followed by three years supervised release and they were ordered to pay $54,000 restitution. The juvenile defendant was sentenced to 24 months probation with a condition that he must complete 14 months detention in a boot camp program.

*United States v. Davies (5/21/98) (W.D. Penn.)

One defendant pled guilty to arson in connection with the March 12, 1998, fire at the Calvary Baptist church in Butler, Pennsylvania. This church hosts a Caucasian congregation. The defendant was sentenced to 60 months in prison to be followed by one year of supervised release. He was also ordered to pay restitution to the insurance company in the amount of $1,000,072.

*United States v. Crosby (5/5/98) (M.D. Fla.)

One defendant pled guilty to arson in connection with a fire at the Old Fashion Gospel Outreach Center in Inverness, Florida. The defendant was sentenced to 33 months in prison to be followed by three years supervised release.

United States v. Dunn, et al. (4/15/98) (E.D. Ark.)

Three defendants pled guilty to conspiracy and arson in connection with the August 14, 1997, arson at the Universal Church of God in Shirley, Arkansas. This church hosts a racially mixed congregation. The defendants were ordered to terms of incarceration ranging from 30 to 97 months in prison.

United States v. Upson (4/8/98) (E.D. Tex.)

One defendant was charged in connection with the March 28, 1998, arson of the Freedom Fellowship Church in New Boston, Texas. This church hosts an African American congregation. The defendant was sentenced to 60 months in prison to be followed by three years supervised release.

United States v. Ramsey and Kinnard (3/18/98) (N.D. Tex.)

Two defendants pled guilty to charges relating to the arson of the Bethany Lutheran Church in Dallas. This church hosts a Caucasian congregation. Defendant Ramsey was sentenced to 33 months in prison and defendant Kinnard was sentenced to 27 months

in prison. The defendants were ordered to pay $337,918 restitution, jointly and severally.

United States v. Jimenez, et al. (3/11/98) (S.D. Tex.)
United States v. Jane Doe (Juvenile) (7/3/98) (S.D. Tex.)

Four defendants, including one juvenile, were charged with violating the 1996 Church Arson Prevention Act in connection with the arson of the Abiding Savior Lutheran Church and the McArdle Road Baptist Church in Corpus Christi, Texas. Both churches host Caucasian congregations. The three adult defendants pled guilty for their involvement in the arson and were sentenced to terms of incarceration ranging from 63 to 71 months. In addition, all three defendants will serve three years of supervised release following their terms of incarceration, and they were ordered to pay $138,626 restitution, jointly and severally. The juvenile defendant was convicted at trial and subsequently sentenced to 51 months (until her 21st birthday) probation with the condition that she serve 12 months in a community corrections center.

*United States v. Lee and Campoamor (3/3/98) (W.D. Tex.)

Two defendants pled guilty to arson in connection with the June 26, 1992, arson of the Holy Trinity Episcopal Church in Gainesville, Florida. This church hosts a Caucasian congregation. The defendants were sentenced to 30 months in prison and ordered to pay $50,000 restitution to the church.

*United States v. Florence (2/24/98) (D. Kan.)

One defendant was charged in connection with the arson of the Holy Temple Church of God in Christ in Wichita, Kansas. This church hosts an African American congregation. This case was dismissed when it was determined that the defendant was incompetent to stand trial.

*United States v. Fowler (12/11/97) (E.D. Ark.)

One defendant pled guilty to arson in connection with the arson at the Freedonia Missionary Baptist Church in Helena, Arkansas, the arson of the House of the Lord Church and a shed fire in West Helena, Arkansas. The Freedonia Missionary Baptist Church hosts an African American congregation and the House of the Lord Church host a Caucasian congregation. The defendant was sentenced to 24 months in prison to be followed by three years

supervised release and he was ordered to pay $23,500 restitution. *United States v. Howard (12/9/97) (W.D. Tenn.)

One defendant was acquitted on arson charges in connection with the fire at the Madison Heights United Methodist Church in Memphis.

United States v. Taylor (10/24/97) (N.D. Tex.)

One defendant pled guilty to the 1996 Church Arson Protection Act in connection with the arson of the Harvest Baptist Church in Keller, Texas. This church hosts a Caucasian congregation. The defendant was sentenced to 30 months in prison to be followed by three supervised release and he was ordered to pay $150,000 restitution.

* These cases included federal arson charges and were not racially or religiously motivated acts of violence.

Racial Violence Cases

FY2004

U.S. v. Delvecchio (11/13/03) (D. Ct.)

The defendant was charged with soliciting a Hispanic male to intentionally burn an apartment building in Derby, Connecticut, because he was concerned that the owner of the building might rent apartments to African-Americans. Additionally, while being held at a pretrial detention center, the defendant allegedly solicited several inmates to murder and/or intimidate witnesses to his scheme.

FY2003

U.S. v. Cooper (10/2/02) (E.D.N.C.)

The defendant pled guilty to mailing racially threatening hate mail to two victims and was sentenced to five years probation.

U.S. v. Burke, et al. (10/9/02) (E.D. Ky.)

Four defendants entered guilty pleas to carry out a series of racially motivated acts of intimidation against the victim and her two teenage children. The defendants repeatedly hurled racial epithets at the family followed by several acts of vandalism including breaking windows and smashing a porch light with a baseball bat after threatening one of the teenage children with racial slurs. Additionally, one of the teenage children was severely beaten when he went outside to investigate two broken windows at his home. Two of the four defendants were members of the Imperial Klan of America. The defendants were sentenced to terms of incarceration ranging from 24 to 87 months in prison and ordered to pay $930 restitution, jointly and severally.

U.S. v. Dartez, et al. (11/13/02) (W.D. La.)
U.S. v. Holly Dartez (11/18/02)

Six members of the American Invisible Empire of the Ku Klux Klan, holding various titles including Exalted Cyclops and Great Titan, pled guilty to burning a five foot high cross at the home of three African American men who had moved into the small town of Longville, to seek new employment. The defendants drove to the home, pounded the cross into the lawn and lit the gasoline-soaked cross on fire. The defendants were sentenced to terms of incarceration ranging from 12 to 157 months in prison. The defendants were also ordered to pay $1,553 restitution to the victim, jointly and severally.

U.S. v. McAninch (12/18/02) (W.D. Wash.)

The defendant pled guilty to sending racist and threatening mailings to victims, including minorities, civil rights advocates, and persons in interracial marriages. The defendant sent a letter with a powdery substance to a white woman married to an Asian man. Additionally, the subject stole mail from mailboxes and inserted racist literature and completed numerous magazine subscriptions in the names others.

U.S. v. White, et al. (12/30/02) (N.D.Ala.)

Three defendants pled guilty to burning a cross in the front yard of a home occupied by two white females and one black male. Shortly after the victims awoke to find the burning cross, the glass storm door and the windows of their house were shattered by a shovel. The defendants were sentenced to terms of incarceration ranging from 72 to 138 months.

U.S. v. Morris and Jordan (2/28/03) (M.D. Ga.)

Two defendants were charged with placing and burning a four feet by four feet wooden cross on farm property which abuts the victims' property in Moultrie, Georgia. One of the two defendants entered a guilty plea for his involvement in the cross burning.

U.S. v. McMurray (2/28/03) (D.C.)

One defendant was acquitted of sending an allegedly threatening email message to a Howard University student.

U.S. v. Lambert (4/23/03) (C.D. Ill.)
U.S. v. Hatley (4/23/03)

Two defendants pled guilty to burning a seven-foot by three-foot cross at the home of and African American family. One defendant was sentenced to 41 months in prison.

U.S. v. John Doe (Juvenile) (5/16/03) (E.D.N.C.)

A juvenile defendant pled guilty to an act of juvenile delinquency in connection with acts of racial intimidation directed at an African American family, a real estate agent, and a racially mixed family in Richlands, NC. The defendant was sentenced to 3 years probation and fined $1,000. The investigation in this matter is continuing.

U.S. v. Derifield and Hermes (5/15/03) (N.D. Ill.)

Two defendants pled guilty to assaulting several young African American and Hispanic students as they were walking home from a football game. The defendants verbally threatened the victims and used racial epithets while chasing them. Additionally, defendant Derifield placed a knife to the throat of a 14-year-old girl while threatening her. Defendant Derifield was sentenced to 37 months in prison and fined $6,000, and defendant Hermes was sentenced to 20 months in prison.

U.S. v. Beaman (8/26/03) (W.D. Wash.)

The defendant pled guilty to sending a derogatory email to a college professor at the University of Washington threatening to kill her and her family.

FY2002

U.S. v. Wilson (9/17/02) (D. Md.)

One defendant was convicted for spray painting racial epithets and threats on the pavement in front of the home of an African American couple who had moved into their Elkton home approximately two weeks earlier.

U.S. v. Free (9/10/02) (E.D. Wisc.)

One defendant was acquitted on charges of perjury for allegedly lying to a grand jury investigating hate crimes including a racially motivated attempted drive by shooting and a racially motivated arson. In separate cases, six adults and one juvenile entered guilty pleas for their involvement in the racially motivated attacks.

U.S. v. Liddy (7/25/02) (E.D. Mich.)

One defendant pled guilty to verbally threatening an African American couple and a real estate sales person with bodily injury because of the couple's potential interest in purchasing a home in the defendant's neighborhood. The defendant was sentenced to 12 months of electronically monitored home confinement to be followed by one year supervised release. He was also ordered to undergo mental health counseling and drug monitoring during the course of his home confinement.

U.S. v. Kay (6/13/02) (W.D.La.)

One defendant pled guilty to burning a cross in the yard of a white man because a black man kept visiting him. The defendant was sentenced to four months in prison to be followed by four months home detention and three years supervised release.

U.S. v. Dodson (6/19/02) (W.D. Okla.)
U.S. v. Mandrell (6/14/02)
U.S. v. Gavin (7/10//02)
U.S. v. Hutto (5/15/02)

Four defendants pled guilty to placing three crosses, one of which was on fire, in the yard of the home of an African American woman. The defendants were sentenced to terms of incarceration ranging from 22 to 177 months.

U.S. v. Bedwell (4/16/02) (D. Md.)

The defendant pled guilty to vandalizing a car belonging to an African American man, confronting the man at his home using racial slurs and carrying a weapon, and helping to set the victim's car on fire with an explosive device. The victim and his girlfriend had moved to their home in Elkton approximately 10 days before the crimes were committed. The defendant was sentenced to 21 months incarceration to be followed by 3 years supervised release and he was ordered to pay $207 restitution.

U.S. v. Rice (4/10/02) (W.D. Va.)

The defendant was charged with murder within a territorial jurisdiction in connection with the murders of two women who were camping in Shenandoah National Park.

U.S. v. Carroll (2/12/02) (D. Ariz.)

The defendant pled guilty to placing a burned wooden cross in a chain link fence at the residence of a black citizen, who had recently moved into a house in Cottonwood, Arizona. The victim was the first black resident to move onto the street. The defendant was sentenced to 18 months in prison.

U.S. v. McKettrick (1/10/02) (S.D. Ga.)

The defendant pled guilty to setting fire to the residence of an African American man after spray-painting threatening messages on the house. The victim was inside the residence with his two young children when the fire was discovered. The defendant was sentenced to 12 years in prison to be followed by three years supervised release. He was also ordered to pay $250 restitution to the victim and $1,841 to the insurance company.

U.S. v. Nichols (11/6/01) (W.D.N.C.)

The defendant was convicted of interfering with housing rights for threatening, physically assaulting and vandalizing the property of African-American and Hispanic residents of a Bessemer City neighborhood because he believed that only whites should

live there. The defendant was sentenced to 110 months in prison.

FY2001

U.S. v. Cimorose and Webb (8/29/01) (D. Md.)

Two defendants pled guilty to setting fire to a home in Elkton occupied by six Mexican nationals in an effort to intimidate the Mexican men who had moved into the house just two weeks before the fire. One defendant was sentenced to 70 months in prison while the second defendant was sentenced to 24 months in prison.

U.S. v. Allen, et al. (8/16/01) (D. Mont.)
U.S. v. Johnson (9/21/01)
U.S. v. Edelman (9/21/01)
U.S. v. John Doe (Juvenile) (9/24/01)

Eight adults and one juvenile member of the Montana Front Working Class Skinhead group were charged with interfering with a federally protected activity for participating in or being responsible for the racially motivated attack of an African-American man, a Hispanic man and a Hispanic woman in Pioneer Park. The skinheads chased the individuals from the park while armed with clubs, chains, bats and metal bars and yelled racial slurs and threats of bodily harm. Two of the nine defendants, including one juvenile, pled guilty to conspiring to interfere with a federally protected activity while six others were convicted at trial for their involvement in this incident. The adult defendants were sentenced to terms of incarceration ranging from 34 months to 15 years. The juvenile defendant was sentenced to 3 years probation.

U.S. v. West, et al. (8/16/01) (E.D. Mo.)

Three defendants pled guilty to interfering with a federally protected activity in connection with the attack of seven members of an Hispanic family, including a pregnant woman and two children, The family was attacked by the defendants as they were camping in the Ozark National Scenic Riverways, a park administered by the National Park Service. The defendants were sentenced to terms of incarceration ranging from 52 to 110 months.

U.S. v. Nicholson, et al. (8/15/01) (E.D. Wisc.)
U.S. v. Franz (8/15/01)
U.S. v. LeBarge (8/15/01)
U.S. v. Jane Doe (Juvenile) (8/15/01)

Six adults and one juvenile drove from Manitowoc to the nearby town of Two Rivers in search of Hmong people. Armed with

two shotguns and a quarter stick of explosive, they planned to detonate the explosive to lure the Asians out of their home in order to shoot them. After one of the defendants lit the fuse and placed the quarter stick under a van parked in front of a Hmong family's home, the group saw a police car patrolling the area and quickly fled the scene. The explosion roused the Hmong family and many neighbors but caused only minor damage to the van. Two days later, three of the defendants set fire to the front porch of an Asian family's home in Manitowoc, Wisconsin, using gasoline to accelerate the fire as the family slept. After a neighbor noticed the fire and called for help, five children were pulled through a bedroom window to safety by their father while a teenager and the mother escaped from the basement out a back door. The fire destroyed the house. Fire officials later said that had the family remained in the house for another minute, they would have died. All seven defendants entered guilty pleas in connection with these incidents. The defendants were sentenced to terms of incarceration ranging from 24 months to 19 years.

U.S. v. Brown (7/17/01) (E.D. Ark.)

The defendant pled guilty to burning a cross at the home of an African American woman living in Walnut Ridge, Arkansas. The cross burning was followed by several racially charged incidents directed at the victim and two white male neighbors who witnessed the cross burning. The defendant was sentenced to 12 months in prison.

U.S. v. Anderson, et al. (6/28/01) (M.D. Ga.)

Three defendants pled guilty to burning a cross outside the home of a young black woman, who had rented the home in a predominantly white neighborhood in Richland, Georgia. One defendant was sentenced to 18 months in prison, while the other two defendants were sentenced to 6 months home confinement.

United States v. John Doe (Juenile) (5/18/01) (N.D. Tex.)
U.S. v. Crites (6/12/01)
U.S. v. John Doe (Juvenile) (6/12/01)

One adult and two juvenile defendants pled guilty to conspiring to burning a cross in the back yard of an African-American couple, living in Garland, Texas. The adult defendant was sentenced to 22 months in prison while one juvenile was sentenced to 12 months in a juvenile detention facility and the other was sentenced to three years probation.

U.S. v. Sartain (5/18/01) (S.D. Tex.)

The defendant pled guilty to interfering with a federally protected right when he used white shoe polish to write racially threatening and intimidating symbols and a racially offensive word on the automobile of an African-American student at Stratford Public High School in Houston, Texas. The automobile was parked in the parking lot of the public high school. The defendant wrote the racial word and symbols on the automobile because of the victim's race and because the word and symbols would be threatening and offensive to the victim. The defendant was sentenced to 5 years probation and 200 hours of community service.

U.S. v. Thompson, U.S. v. Bess (4/18/01) (S.D. W.Va.)
U.S. v. Berry (9/14/01)

Three defendants pled guilty to conspiring to burn a cross at the home of a woman who has a biracial grand daughter while the grand daughter was staying at her home. One defendant was sentenced to six months home detention, while another was sentenced to 30 days in jail, five months home detention and 3 years probation and the third defendant was sentenced to pay a $1,000 fine..

U.S. v. Sullivan (4/18/01) (N.D. Ind.)

One defendant pled guilty to vandalizing the home of an interracial gay couple. The acts of intimidation included erecting a five-foot cross engraved with the letters KKK in the front yard, throwing a bag of flaming feces at the porch, and placing a dead animal over the mailbox. The defendant was sentenced to 15 months in prison to be followed by three years supervised release and he must perform 200 hours of community service and pay $250 restitution.

U.S. v. Simmons (2/7/01) (D. Utah)

One defendant pled guilty to printing a racial epithet on a car owned by a Polynesian woman and black man one day after they moved into their Midvale condominium, as well as printing another racial slur on the front of the couples' residence several days later. The defendant was sentenced to 10 months in prison.

U.S. v. Curtis and DaSilva (11/9/00) (S.D. Cal.)

Two self-avowed white supremacists pled guilty to committing various hate crimes targeting synagogues, Jewish persons and other minorities because of their race, religious character, employment, prominence in the news media, particularly persons speaking out against persons who commit hate crimes, and persons assisting minorities in obtaining fair housing. The charges included conspiring to damage Congregation Tifereth

Israel and Temple Adat Shaloam by spray painting swastikas and anti-Semitic slogans on the property as well as conspiring to commit hate crimes by leaving threatening messages such as Nazi Swastikas, racist slogans advocating violence against racial minorities, snake skins, and an inactive hand grenade, at or near the place of business or home of Congressman Bob Filner, La Mesa Mayor Art Madrid, Anti-Defamation League Director Morris Casuto and former Director of Heartland Human Relations and Fair Housing Association Clara Harris. The defendants were sentenced to terms of incarceration ranging from 18 to 36 months.

U.S. v. Morehouse (10/27/00) (S.D. Cal.)

One self-avowed white supremacist pled guilty to conspiring to commit various hate crimes targeting synagogues, Jewish persons and other minorities because of their race, religious character, employment, prominence in the news media, particularly persons speaking out against persons who commit hate crimes, and persons assisting minorities in obtaining fair housing.

U.S. v. Clark (10/20/00) (E.D. Tenn.)
U.S. v. Jones (3/9/01) (E.D. Tenn.)

Two defendants pled guilty to burning a cross in front of the home of an African-American couple living in Chattanooga, Tennessee. One defendants was sentenced to 25 months in prison will the second defendant was sentenced to two years probation with four months to be served in a half way house.

FY2000:

U.S. v. Holland (9/26/00) (S.D. Cal.)

One self-avowed white supremacist pled guilty to conspiring to commit various hate crimes targeting synagogues, Jewish persons and other minorities because of their race, religious character, employment, prominence in the news media, particularly persons speaking out against persons who commit hate crimes, and persons assisting minorities in obtaining fair housing.

U.S. v. Rose, et al. (Indictment, 9/21/00) (C.D. Cal.)
(Superseding Indictment, 1/11/01)

Three defendants pled guilty to throwing lit flares into a vehicle parked outside the residence of an African American man causing the vehicle to burn. (Two of the three defendants were charged in original indictment and counted as defendants charged during FY2000. The third defendant was counted in FY2001). The defendants were sentenced to terms of incarceration ranging from 18 to 24 months.

U.S. v. Carpenter and May (9/11/00) (W.D.N.C.)

Two defendants pled guilty to burning a cross on their own property in order to intimidate their neighbors, a bi-racial couple. One defendant was sentenced to two years probation and six months home detention with electronic monitoring. The second defendant was sentenced to one month incarceration, five months home detention and two years supervised release.

U.S. v. Marshall and Parsons (9/5/00)
U.S. v. Matthews, et al. (9/1/00) (S.D. Tex.)

Five defendants entered guilty pleas in connection with a cross burning at the home of an African-American family living in Katy, Texas. The defendants were sentenced to terms of incarceration ranging from 13 to 120 months.

U.S. v. Martin (6/29/00) (C.D. Cal.)

A member of the skinhead hate group known as the Insane White Boyz pled guilty to interfering with a federally protected activity in connection with the racially motivated attack of a 16-year-old African American male. As the victim was walking home from work, he was approached by the defendant who repeatedly told to keep walking while useing racial epithets. The taunting continued until the defendant attacked the victim and stabbed him in the side. The defendant was sentenced to 58 months in prison.

U.S. v. Hass (6/27/00) (C.D. Cal.)

One defendant pled guilty to spray painting swastikas, Nazi lightning bolts and the words "White Power" on the front of a house owned by a man of Egyptian decent. In the days prior to the vandalism, the victim had spent many hours preparing the house for new rental tenants. The defendant was sentenced to 10 months in prison.

U.S. v. Avants (6/7/00) (S.D. Miss.)

One defendant, then a member of the White Knights of the Ku Klux Klan, was convicted of murder within the Territorial Jurisdiction of the United States in connection with the June 10, 1966, murder of an elderly black farm worker in a federal forest in Mississippi. The defendant, along with two other suspects, who are no longer living, lured the victim to Pretty Creek Bridge in the Homochitto National Forest where he was shot multiple times with an automatic weapon and then shot in the head with a single barrel shotgun. The victim's dead body was thrown off of the bridge and his body was found two days later in Pretty Creek. A state prosecution in 1967 ended in an acquittal of Avants, the only living participant, and a mistrial as to one of the other

two suspects. The third suspect, who was never prosecuted, is no longer living. The defendant was sentenced to life in prison.

U.S. v. Hipensteel (3/29/00) (D. Nev.)

One defendant pled guilty to mailing a threatening communication to the victim and her family. The defendant was sentenced to five months in prison to be followed by five months home detention.

U.S. v. Ewing (3/29/00) (N.D. Cal.)

One defendant pled guilty to directing racial threats at a white woman due to the presence of an African-American man and the victim's mixed race infant great granddaughter, who were guests in her home in Clearlake, California. Later that night, a nine-foot high cross was constructed and placed in the defendant's yard facing the victim's home. The defendant was sentenced to six months in prison to be followed by six months home detention and three years supervised release.

U.S. v. Blackerby and Fowler (3/10/00) (N.D. Ala.)

Two defendants pled guilty to burning a cross in front of the residence of a white woman who frequently had African-American guests at her home. The defendants were sentenced to 18 months in prison and fined $3,000.

U.S. v. Samar (2/9/00) (D. Mass.)

One defendant pled guilty to interfering with a federally protected activity for making religiously-motivated violent threats against three fellow students at Clark University in Worcester, Massachusetts. The defendant was sentenced to three years probation, and he was fined $2,000.

U.S. v. Jacks, U.S. v. Reid (1/25/00) (N.D. Ala.)

Two defendants pled guilty to burning a cross on the lawn of the home of the only African American family living in the Graysville neighborhood. The defendants were unaware that the victims lived in their neighborhood until earlier that day when they towed a car to their residence. The defendants were sentenced to 10 months and 12 months incarceration.

U.S. v. Rowe (12/9/99) (E.D. Va.)

One defendant was convicted of firebombing two vehicles owned by a black family living in a Fairfax townhouse complex. The firebombing resulted in the complete destruction of one of

the two vehicles. The defendant was sentenced to 60 months in prison.

U.S. v. Dale (12/8/99) (C.D. Cal.)

The defendant, a member of a skinhead group, pled guilty to assaulting a man of eastern Indian descent, as he left a concert at a nightclub in Orange, California. The defendant beat the victim unconscious in the club's parking lot with fists, boots, and pipes while yelling racial epithets and the name of his skinhead gang. The defendant was sentenced to 37 months in prison.

U.S. v. Colvin (12/15/99, U.S. v. Mathis (12/6/99) (S.D. Ind.)

Two Ku Klux Klan members conspired to burn a cross in the front yard of the residence of several Hispanic persons. On several occasions prior to this incident, the defendants attended meetings of the local unit of the American Knights of the KKK where they discussed their intention to burn crosses in Kokomo in order to drive blacks and other minorities out of the area. One of the two defendants was convicted at trial while the second defendant entered a guilty plea pre-trial. One defendant was sentenced to 22 years in prison while the other defendant was sentenced to 24 months in prison.

U.S. v. Furrow (12/2/99) (C.D. Cal.)

The defendant, an avowed racist and anti-Semite, pled guilty to all federal charges in connection with the premeditated, hate-motivated plan to murder Jews, people of color, and nonwhite government workers in order to send a message of intolerance across the United States. As a result of the plan, five members of a Jewish Community Center were shot and injured and a Filipino-American postal worker was fatally shot. The defendant was sentenced to life imprisonment without parole.

U.S. v. Goerig (12/1/99 (N.D. Cal.)

One defendant pled guilty to threatening to kill the Asian-American U.S. Civil Rights Commissioner because of a letter to the editor written by the Commissioner condemning hate-filled anti-Asian leaflets distributed by the defendant. The defendant also threatened to kill a Congresswoman and several staff members of both the Commissioner and Congresswoman. The defendant was sentenced to 18 months in prison.

U.S. v. Lombardi (11/30/99) (N.D. Fla.)

One defendant was convicted of interfering with a federally protected activity for detonating two pipe bombs on the campus of Florida A&M University, a primarily black, public university in Tallahassee, Florida, on two separate occasions. After each bombing, violently racist telephone calls were made to a local television new station, attacking the right of black students to attend the University. The defendant was sentenced to life in prison.

U.S. v. Cumbow and Riley (10/20/99) (N.D. Ind.)

Two defendants pled guilty to burning a seven-foot cross in the backyard of the home of an African American man living in Gary, Indiana. The defendants were sentenced to terms of incarceration ranging from 18 to 33 months in prison.

U.S. v. Swetnam (10/14/99) (D. Md.)
U.S. v. Robert Trainer (12/1/99)
U.S. v. Patrick Trainer (12/1/99)

Three defendants pled guilty to conspiring to burn two crosses at Bowie High School following a fight involving a white female student and three black female students. The defendants were sentenced to terms of incarceration ranging from 120 to 35 months in prison. (See related case, U.S. v. Schleicher filed during FY99.)

Related Case:

U.S. v. Fink (6/12/00) (N.D. Iowa)

One defendant was convicted of perjury before the grand jury in connection with cross burnings set in the front yard of the trailer home of an interracial couple living in Quasqueton, Iowa. (See U.S. v. Von Lienen filed during FY99)
FY99:

U.S. v. Harvey (9/2/99) (N.D. Ind.)

One defendant pled guilty to burning a small wooden cross on the hood of a vehicle owned by an African American couple who had moved into the virtually all-white town of Mill Creek, Indiana, during the previous day. The defendant was sentenced to 8 months in prison.

U.S. v. Vartanian (8/12/99) (E.D. Mich.)

One defendant was convicted of threatening realtors who showed a home, located across the street from the defendant's residence, to prospective purchasers who are African American. The defendant was sentenced to five months in prison to be followed by six months house arrest.

U.S. v. Schleicher (8/5/99) (D. Md.)

One defendant pled guilty to conspiring to burn two crosses at Bowie High School following a fight involving a white female student and three black female students. The defendant was sentenced to 27 months in prison.

U.S. v. Adamson (8/3/99) (N.D. Ga.)

One defendant pled guilty to interfering with housing rights for using racial epithets while setting fire to a patch of dry grass on the property of an African American couple living in Ball Ground, Georgia. The defendant was sentenced to 12 months in prison.

U.S. v. Hall, et al. (7/21/99) (E.D. Ky.)

Four defendants pled guilty to conspiring to burn a cross in the front yard of the only black resident in the neighborhood. As a result of the cross burning, the victim moved from her home. The defendants were sentenced to terms of incarceration ranging from 9 to 15 months in prison.

U.S. v. DeBord (6/30/99) (N.D. Ohio)

The defendant pled guilty to mailing threatening communications to several people living in Copley and Akron, Ohio. The defendant was sentenced to six months confinement.

U.S. v. Nemetz and Grierson (6/18/99) (E.D. Cal.)

Two defendants pled guilty to interfering with a federally protected activity by fatally shooting a black man in the back with a shotgun as he was sitting with some friends in Hillview Park, a city park in Fairfield, California. One defendant was sentenced to 18 years in prison.

U.S. v. Hoffman (6/14/99) (D. Kan.)

One defendant pled guilty to burning a wooden cross in the front yard of an African-American family living in Overland Park,

Kansas. The defendant was sentenced to 12 months and one day in prison.

U.S. v. Yasuhara (5/26/99) (C.D. Cal.)

One defendant pled guilty to mailing a threatening and racially derogatory letter to the victim because she was involved in an interracial relationship. The defendant was sentenced to 12 months in prison. He was also ordered to perform 500 hours of community service and to pay a $30,000 fine.

U.S. v. McConnell (5/6/99) (C.D. Cal.)

One defendant pled guilty to commanding his Rottweiler dog to attack the victim and smashing the windshield of the victim's car, while the victim was at a gas station in Sun Valley, California, after yelling racial slurs in an attempt to provoke the altercation. The defendant was sentenced to 24 months in prison.

U.S. v. Winn (3/9/99) United States v. Culp (4/29/99) (E.D. Ark.)

Two defendants pled guilty to burning two crosses in front of the home of a Native American woman and her two bi-racial children, who are part African-American. Prior to the victims moving into the neighborhood, it had been an all white neighborhood.

U.S. v. Edwards, et al. (3/2/99) (D. Kan.)

Eight defendants were charged with interfering with a federally protected activity after they physically forced a black man out of a pub in Wichita, Kansas because they did not want a black person in the facility. Seven of the eight defendants entered guilty pleas for their involvement in this incident. The government dismissed charges against the remaining defendant. One defendant was sentenced to six months home detention, another was sentenced to four months in prison and four months of home detention and a third defendant was sentenced to two years probation.

U.S. v. Morgan, U.S. v. Hasley, U.S. v. Martin, U.S. v. Friday, U.S. v. Norman, U.S. v. John Doe (Juvenile) (3/1/99) (W.D La.)

Five adults and one juvenile pled guilty to conspiring to construct and burn a three foot tall wooden cross in the front yard of the residence of victim, whose house guests, an interracial couple, had fled to Goldonna because of a hurricane. The following day, the defendants allegedly constructed a fourteen-foot tall cross, placed it near the victim's residence and lit the cross.

U.S. v. Leehey (2/4/99) U.S. v. Sawyer (2/11/99)
U.S. v. Von Lienen (2/16/99) (N.D. Iowa)

Three defendants pled guilty in connection with two separate cross burnings in the front yard of the trailer home of an interracial couple living in Quasqueton, Iowa. Following the cross burnings, a pipe-bomb exploded outside the trailer of a witness to the second cross burning, and next door neighbor to the interracial couple, causing damage to the walls and windows of the trailer. This bombing is believed to be a use of force intended to prevent the witness' communication to law enforcement officers of her knowledge of Von Lienen's role in the cross burning. The interracial couple moved out of their home shortly thereafter.

U.S. v. Quon (1/28/99) (C.D. Cal.)

The defendant pled guilty to interfering with a federally protected activity after he allegedly sent a racially threatening e-mail through the Internet to forty-two Latino faculty members at California State University at Los Angeles, twenty five Latino students at the Massachusetts Institution of Technology, a college that receives federal funds, and Latino employees at NASA, Indiana University, Xerox, The Hispanic Journal and the IRS.

U.S. v. Whitney, et al. (1/12/99) (D. Kan.)

Three defendants were charged with constructing a wooden cross, dousing it with gasoline and lighting it in the driveway of the home of an African American man and his family, in an effort to threaten and intimidate them. Two defendants pled guilty while the third was convicted at trial.

U.S. v. Alexander and Alexander (1/5/99) (C.D. Cal.)

Two defendants, who claim affiliation with "white power" organizations, were charged with assaulting a bi-racial couple

while they were in their car. One assailant reached into the victims' car and grabbed a victim's coat while the other assailant jumped on the hood of the car and kicked in the windshield. Both defendants yelled racial epithets during the assault. One defendant was convicted at trial of interference with housing rights while a hung jury was declared on charges against the second defendant. The defendant was sentenced to two years in prison.

U.S. v. Spires (12/21/98) (D.S.C.)

The defendant pled guilty to interfering with federally protected activities in connection with the shooting at the Club Illusion, a business establishment frequented by African American persons in Pelion, South Carolina. Three African American men were wounded in the shooting.

U.S. v. Magleby (12/16/98) (D. Utah)

The defendant was convicted of constructing a wooden cross, placing the cross in the yard of the residence of an interracial couple living in Salt Lake City and pouring a flammable liquid on the cross and setting it on fire. The defendant was sentenced to 12 years in prison.

U.S. v. John Does (Two Juveniles) (12/11/98) (D. Minn.)

Two juvenile defendants were convicted of charges relating to a cross burning in front of the home of an African American family in Mazeppa, Minnesota.

U.S. v. Stull (12/7/98) (W.D.N.C.)

One defendant was charged with firing seven shots into the trailer home of an African-American couple living in a rural and predominantly white area in Rutherford County. On several occasions prior to the shooting, racial epithets were shouted from a car passing by the home. Trial resulted in the conviction of the defendant on possession of a firearm charge and a hung jury was declared in connection with two interference with housing violations. Before retrial was scheduled to begin, the defendant pled guilty to violating one felony interference with housing violation. The defendant was sentenced to 54 months in prison.

U.S. v. Johnson (11/25/98) (N.D. Ala.)

One defendant was convicted of assaulting a black male after he learned the man was moving into the house directly behind him. During the assault, the defendant shouted racial slurs and threatened the victim. As a result, the victim received a broken nose requiring surgery.

U.S. v. Bewig (10/28/98) (E.D. Mo.)

The defendant, the owner of a gas station/convenience store, was acquitted of assaulting the victim and shoving her five year old son in order to evict them from the store because they are African American.

FY1998:

U.S. v. Crook (9/28/98) (S.D. W.Va.)

One defendant pled guilty to sending copies of a flyer containing racially threatening messages through campus mail to between fifteen and twenty-five African American students of Concord College in Athens, West Virginia.

U.S. v. Spears (8/31/98) (N.D. Ohio)

The defendant pled guilty to spray-painting a doll black, painting the letters KKK on the doll, wrapping radio wire around its neck and then ordering his 15-year-old stepbrother to hang the doll by its neck from a clothesline behind the home of a white women who had been associating in her home with a black person, in an effort to frighten and intimidate both the woman and her associate.

U.S. v. England (7/13/98) (D.S.C.)

The defendant pled guilty to interfering with federally protected activities in connection with the shooting at the Club Illusion, a business establishment frequented by African American persons in Pelion, South Carolina. Three African American men were wounded in the shooting.

U.S. v. Alvord, et al. (6/25/98) (D. Ariz.

Four defendants, two of whom identified themselves as white supremacists, were charged in connection with to two separate incidents of criminal interference with the housing rights of an Hispanic family living in Lake Havasu City, Arizona. Three of the four defendants entered a guilty pleas while the fourth defendant was convicted at trial.

U.S. v. Koplitz, et al. (6/12/98) (E.D. Ky.)

Four defendants pled guilty to distributing harassing and threatening leaflets described as being the "official newsletter of the White Aryan Legion" in Garrett and Tram, Kentucky. In addition, racially threatening communications were mailed to two persons.

U.S. v. Gordon (5/6/98) (S.D. Ohio)

One defendant pled guilty to driving slowly past an African American female and shooting her three times in the left arm and shoulder. The defendant selected the victim solely because she of her race and because he was driving the streets of Columbus, Ohio specifically to find a black person to kill.

U.S. v. Funke (4/28/98) U.S. v. John Doe (Juvenile) (4/30/98)(S.D. Ind.)

Two Ku Klux Klan members pled guilty to sending a note threatening violence, and later on that same evening, erecting and burning a cross in the front yard of the home of a black family. On several occasions prior to this incident, the defendants attended meetings of the local unit of the American Knights of the KKK where they discussed their intention to burn crosses in Kokomo in order to drive blacks and other minorities out of the area.

U.S. v. Pike and Pike (4/22/98) (W.D. Ky.)

Two defendants were acquitted of charges of constructing, placing and attempting to burn a large wooden cross draped in white cloth across from the home of two African American men and their white neighbors who associated with them.

U.S. v. Bonham (4/15/98) U.S. v. Coogan (5/5/98) (S.D. Ohio)

Two defendants pled guilty to burning a cross at the home of an African-American woman.

U.S. v. Straub (3/17/98) (D. Ariz.)

One defendant pled guilty to placing and setting afire a wooden cross on the front yard of the home of an African American family in Phoenix.

U.S. v. Brooke, et al., U.S. v. John Does (Juveniles) (2/11/98) (D. Idaho)

Six defendants, all members of various skinhead groups, pled guilty to conspiring to carry out a series of racially motivated attacks on several Hispanic men, women and children in Nampa, Idaho.

U.S. v. Benwell (1/21/98) (N.D. Ind.)

One defendant pled guilty to conspiring to interfer with the housing rights of an interracial couple in Portage, Indiana. The defendant, dressed in a KKK robe with a hood, smashed the windows of the residence belonging to the victims. (See U.S. v. Blanchard filed during FY97).

U.S. v. Mahan, et al. (12/4/97) (W.D. Ky.)

Two defendants entered guilty pleas and one defendant was convicted at trial to conspiracy and interference with housing rights after they dropped threatening leaflets in the yard of the African-American victims. The leaflets contained racial epithets and warnings that the victims should leave the neighborhood and if they did not comply within thirty days, they would be harmed.

U.S. v. Bybee (10/22/97) (D. Idaho)

One defendant pled guilty to assaulting and threatening a Native-American and African American interracial couple, at the home of the female victim's father on an Indian reservation

Involuntary Servitude/Human Trafficking Prosecutions

FY2004

U.S. v. Adaobi and George Udeozor (10/15/03; Superseding indictment, 11/12/03) (D. Md.)

Two defendants, Nigerian nationals, were charged with smuggling a teenage girl from their native Nigeria into the United States, forcing her to work long hours at their home and at the wife's medical practice for no pay, sexually assaulting her and regularly beating her.

FY2003

U.S. v. Juan and Jose Rojas (9/17/03) (N.D. Ga.)

Two defendants were charged with importing a female into the United States with the intention of forcing her into prostitution.

U.S. v. Martinez-Uresti and DeHoyos (9/2/03) (W.D. Tex.)

Two defendants pled guilty to conspiring to smuggle, transport and harbor illegal aliens into the United States where the individuals were forced into prostitution. One defendant was sentenced to 108 months in prison while the second defendant was sentenced to time served or 7 months and she was ordered to be deported.

U.S. v. Trisanti and Nasution (7/1/03) (C.D. Cal.)

Two defendants were charged with illegally transporting aliens while defendant Trisanti was also charged with involuntary servitude and visa fraud. Between March 1996 and March 2003, two victims were allegedly trafficked into the United States from Indonesia and forced to work as domestic servants against their will by threats and physical violence. Additionally, defendant Trisanti allegedly told the victims they were not free to leave and seized their passports.

U.S. v. Salazar-Juarez (6/20/03) (S.D. Cal.)

One defendant entered a guilty plea to conspiracy to bring aliens into the United States for financial gain, harbor aliens for financial gain, harbor aliens for immoral purposes and transporting aliens for purposes of prostitution, as well as harboring illegal aliens. The defendant, along with his brother, who is a fugitive, recruited women from Mexico, transported the women into the United States, provided the women with apartments in the United States, for the purpose of operating a prostitution ring in the Vista, California, area. The defendant was sentenced to 24 months in prison to be followed by three years supervised release.

U.S. v. Maka (6/12/03) (D. Haw.)

The defendant, a landscape maintenance contractor and rock wall builder, was charged with transporting Tongan males to Hawaii where they were forced to work in his businesses to repay the transporting expenses. The victims were allegedly housed in shacks on the subject's pig farm and were required to work in excess of 12 hours a day, six days a week for approximately $60 to $100 per week.

U.S. v. Soto-Huarto, et al. (7/22/03, Second Superseding Indictment 6/24/03, First Superseding Indictment, 4/15/03, Initial Indictment)(S.D. Tex.)

Eight defendants were charged with maintaining trailers in Edinburg, Texas, as safe houses for illegal aliens newly arrived from the US/Mexico border. Women aliens were kept at the trailers and were forced to cook, clean, and submit to rapes at the hands of the defendants. Seven of the eight defendants entered guilty pleas for their involvement in the scheme. One defendant is in fugitive status.

U.S. v. Bradley and O'Dell (4/9/03) (D.N.H.)

Two defendants, who operated a tree cutting business, were convicted for holding two Jamaican immigrants in conditions of forced labor and document servitude in Litchfield, New Hampshire. The defendants obtained workers from Jamaica by means of false promises of good work and pay. Once the workers arrived in New Hampshire, their visas and others documents were confiscated and the workers were paid substantially less than promised, were housed in deplorable conditions, were denied medical treatment and were routinely threatened.

U.S. v. Guzman, et al. (12/23/02; Superseding Indictment, 1/30/03) (N.D. Ga.)

Four defendants were charged with conspiring to transport and harbor aliens, sex trafficking, harboring aliens for prostitution, transportation for immoral purposes and alien smuggling and transportation for smuggling three females, including two juveniles, from Mexico into the United States and forcing them to engage in prostitution in the Atlanta metropolitan area. One of the four defendants entered a guilty plea to violating the Mann Act and to import, harbor and employ young Mexican female aliens for the purpose of prostitution. He was sentenced to 33 months in prison.

FY2002

U.S. v. Trakhtenberg, et al. (8/27/02) (D.N.J.)

Three defendants were charged with conspiring to commit forced labor, document fraud and inducing aliens to unlawfully enter the United States as well as asset forfeiture for devising and carrying out a scheme to obtain the labor and services of Russian women. The women were lured to the United States to perform cultural dance shows and with the promises of good pay and adequate housing accommodations. However, once in the United States, they were forced to perform in strip clubs and threatened that they would suffer serious harm and physical restraint if they did not perform. Three defendants have pled guilty and two were sentenced to incarceration of 17 months and 12 months.

United States v. Jimenez-Calderon, et al. (7/18/02) (D.N.J.) (Superseding Indictment, 9/26/02)

United States v. Ruiz (9/24/02)
United States v. Burgos (9/25/02)
United States v. Lopez (10/2/02) **FY03**

Eight defendants were charged with conspiring to lure and transport young Mexican girls into the United States under false pretenses, and then forcing them into prostitution, using physical violence and threats to maintain strict control over them. Six of the eight defendants entered guilty pleas--two to conspiring to commit sex trafficking, one to conspiring to obstruct justice and three others to sex trafficking by force, fraud and coercion. Two defendants were sentenced to 210 months in prison while a third was sentenced to 16 months in prison. Of the three defendants who entered guilty pleas, one was sentenced to 96 months in prison while another was sentenced to 44 months in prison. One defendant is awaiting sentencing. Two remaining defendants are in fugitive status.

United States v. Blackwell, et al. (6/26/02) (D. Md.)
(10/16/02 Sup. Indictment)

Husband and wife Ghanaian natives were convicted of conspiring to smuggle aliens while defendant Coleman-Blackwell was also convicted of forced labor and document fraud. A third defendant, who lives in Ghana and is a member of the Ghanaian parliament, remains charged and is currently in Ghana facing extradition to the United States. The defendants conspired to smuggle a woman into the United States for the purpose of using her as an unpaid domestic servant and nanny. Once in the United States, her passport was taken away and hidden from her, she was required to perform household chores, including cleaning other people's homes, with little or no compensation, and she was threatened with deportation and imprisonment if she did not do as instructed by the defendants.

United States v. Molina, et al. (6/26/02) (N.D. Tex.)
(9/10/02, Superseding Indictment)

Nine defendants were charged with conspiring to smuggle and harbor illegal aliens from Honduras to Fort Worth, Texas, under the pretense that they would be employed as waitresses in restaurants. Once in the United States, the victims were forced to work in bars entertaining men, with little no salary, in order to pay off their smuggling and other debts. Four defendants entered guilty pleas to conspiring to smuggle and harbor illegal aliens while one other defendant entered a guilty plea to smuggling illegal aliens and another pled guilty to transporting illegal aliens. These six defendants were sentenced to terms of incarceration ranging from 27 to 63 months. The three remaining defendants are in fugitive status.

United States v. Garcia, et al. (6/12/02) (W.D.N.Y.)

Six defendants were charged with conspiring to recruit undocumented Mexican boys and men from Arizona and transport them to the towns of Albion and Kendall, New York, to work in unsafe migrant labor camps. The defendants were also charged with holding workers in a condition of forced labor, trafficking workers into forced labor, transporting and harboring aliens and violating the transportation safety provisions of the Migrant and Seasonal Worker Protective Act. The indictment further alleges that the operation used guards to monitor workers' movements, engaged in verbal abuse, threats of physical harm, deportation and arrest. As part of the plan to control and exploit the workers, the defendants allegedly took large deductions from the workers' earnings, leaving them with virtually no pay and the defendants refused to let workers leave until deductions from their earnings paid off charges for transportation, food, housing and other items that were not disclosed at the time of recruitment.

United States v. Lozoya, et al. (4/25/02) (W.D. Tex.)

Four defendants were charged with conspiring to harbor and transport a Mexican alien and her baby daughter in a remote part of Hudspeth County. The defendants allegedly harbored and conspired to harbor the baby in a manner resulting in her death by mistreating her and failing to obtain medical treatment for her when she became visibly sick, collapsed and died. One of the four defendants entered a guilty plea to conspiracy to harbor and harboring, with death resulting, and was sentenced to 15 years in prison while one other defendant pled guilty to conspiring to harbor an alien and was sentenced to five years in prison. The two remaining defendants were acquitted at trial.

U.S. v. Ng, et al. (3/21/02) (S.D.N.Y.)

Three defendants were charged with devising a scheme to lure young women to travel from Indonesia to the United States, by promising to arrange restaurant jobs and housing for them in New York City. Once the young women arrived in New York, they were held and forced to work as prostitutes at brothels until each had repaid $30,000 in transporting fees. Two defendants entered guilty pleas to transporting illegal aliens and we sentenced to 13 months in prison while the third defendant pled guilty to conspiring to transport and provide persons with the intent to engage in sex and was sentenced to 16 months in prison.

U.S. v. Tantirojankitkan, et al. (Indictment 10/30/01) (D.N.J.)

Five defendants were charged with conspiring to transport illegal aliens by entering into a scheme to import illegal female

aliens from Thailand into the United States to engage in prostitution. Once in the United States, the females were forced to turn over moneys gained by their labors to the defendants. Two of the five defendants entered a guilty plea to conspiring to smuggle aliens. The two defendants were sentenced to 12 and 17 months imprisonment. Recently, one defendant was convicted at trial.

U.S. v. Ramos, et al. (Superseding Indictment, 10/18/01)
(Second Superseding Indictment, 5/9/02)
(S.D. Fla.)

Three defendants (two of three defendants charged in original indictment on 5/24/01, see U.S. v. Ramos and Ramos below) were convicted of conspiring to commit involuntary servitude, harboring illegal aliens and the Hobbs Act for illegally transporting Mexican citizens to Florida to work in their fruit harvesting fields and pistol whipping van drivers for taking workers out of the area. Upon their arrival, the workers were told that they owed money for their transport and they were not free to leave the employment until they had repaid the debt. The defendants created a climate of fear among their workers by threatening if they left, they would be found, beaten and possibly killed. Additionally, the climate of fear was reinforced by the constant surveillance of workers by the defendant's cell phone carrying agents, some of whom also threatened the victims. Two defendants were sentenced to 147 months in prison and ordered to pay $675 restitution to certain victims and to forfeit certain property, including vehicles, real property and over $3 million in proceeds for their conviction of asset forfeiture. The third defendant was sentenced to 123 months and 3 months in prison and ordered to pay a $10,000 fine. The government dismissed charges against a fourth defendant.
[See U.S. v. Cadena below. During 2002, one fugitive defendant, originally charged in 1998, was apprehended and extradited to the United States from Mexico. The defendant entered a guilty plea to conspiring to hold women and girls to a condition of involuntary servitude and was sentenced to 60 months in prison. He was also held jointly liable for paying $1,000,000 restitution to the victims.]

FY2001

U.S. v. Sardar and Nadira Gasanov (8/15/01) (W.D. Tex.)

Two defendants, a Russian couple, were convicted for recruiting women from Uzbekistan into the United States under false pretenses, then forcing them to work in strip clubs and bars in order to pay back an alleged $300,000 smuggling fee. The girls were stripped of their passports, required to work seven days a week and had their families in Uzbekistan threatened should they not comply with the

Gasanov's demands. The defendants were sentenced to 60 months in prison to be followed by 3 years supervised release and they were ordered to pay $516,152.67 restitution.

U.S. v. Ramos and Ramos (5/24/01) (S.D. Fla.)

Two defendants charged during FY 2001. On October 18, 2001, a superseding indictment was returned charging three defendants, including the two defendants charged in May. See U.S. v. Ramos, et al., listed above, for details of case.

U.S. v. Lee, et al. (3/23/01) (Superseding Ind. 8/30/01)(D. Haw.)
U.S. v. Nu'uuli (8/30/01)
U.s. v. Fagaima (8/30/01)

The Korean owner of a sweatshop in the Territory of American Samoa was convicted of conspiring to enslave workers, involuntary servitude and forced labor for holding Vietnamese factory workers to work as sewing machine operators in the Daewoosa Samoa garment factory. The workers were deprived of food, beat and physically restrained in order to force them to work. Two other defendants entered guilty pleas to conspiracy for their involvement in the scheme, while two other defendants were acquitted at trial.

U.S. v. Satia and Nanji (2/7/01) (D. Md.)

Two defendants were convicted of holding a teenage Cameroonian girl in involuntary servitude and illegal harboring her in their home to use her as their domestic servant. The defendant were convicted of involuntary servitude, conspiracy to harbor the girl, and harboring the girl for their own financial benefit. Defendant Satia was also convicted of conspiracy to commit marriage fraud and conspiracy to commit passport fraud. The defendants recruited the 14-year old female Cameroonian national to the United States with false promises of attending school in the United States. Once the young girl arrived in the United States, she was forced, using threats and physical abuse, to work for them. The defendants were sentenced to 108 months in prison and ordered to pay $105,306.64 restitution to the victim.

U.S. v. Pipkins, et al. (1/18/01) (N.D. Ga.)

Fifteen defendants were charged with involuntary servitude as well as other federal violations for recruiting juvenile females to engage in prostitution in Atlanta, Georgia, as well as other cities. The females were forced to work for the person who bought them or the owner would collect all the money earned by the juveniles. The juveniles were beaten, burned, tortured and humiliated if they were

disobedient or caught keeping money. Two defendants were convicted at trial while thirteen of the defendants entered guilty pleas to prostitution racketeering pre-trial. The defendants were sentenced to terms of incarceration ranging from 45 months to 40 years.

U.S. v. Virchenko, et al. (Original indictment 1/17/01, Superseding Indictment 2/21/01) (D. Alaska)

Three defendants pled guilty to involuntary servitude as well as other related charges for their involvement in a scheme to traffic Russian women to Alaska. In December 2000, the group lured nine young Russian folk dancers to Anchorage, Alaska, under false pretenses. The defendants claimed to the women and represented on their visa applications that the women were traveling to perform in cultural festivals, only to hold them in service as exotic dancers upon their arrival. Charges were dismissed against one other defendant in exchange for the guilty pleas of the three other defendants. The defendants were sentenced to terms of incarceration ranging from 18 to 46 months in prison.

U.S. v. Alamin and Akhter (11/16/00) (C.D. Cal.)

The defendants, a Bangladeshi couple, brought the victim from Saudi Arabia to the United States in 1995 to work for them in Los Angeles as a live-in housekeeper and nanny. From 1995 until June 30, 2000, the defendants allegedly forced the victim to perform domestic work for them with little or no pay by repeatedly beating her and threatening to harm her and her family in Bangladesh if she ran away. Defendant Alamin entered a guilty plea pre-trial and was sentenced to 16 months in prison while defendant Akhter was convicted at trial and sentenced to 135 months in prison. Both defendants were ordered to pay $125,819 restitution to the vitim.

U.S. v. Lee, et al. (10/5/00) (S.D. Fla.)

Three defendants, who were subcontracted by businesses to put together crews of migrant agriculture workers, entered guilty pleas to conspiring to induce victims into slave labor by a revolving debt, often involving crack cocaine, and physical violence and threats of violence. The most egregious incident of violence involved a victim who was kidnapped and beaten when he tried to leave the employ of the defendants. The defendants were sentenced to 55, 48 and 4 months in prison.

FY2000

U.S. v. Lakireddy, et al (2/12/00)
(4/9/01 Superseding Indictment against two of five defendants) (N.D. Cal.)

Five defendants, an Indian immigrant businessman and various other family members, were charged with immigration charges for bringing numerous young girls into the United States to work in his businesses. The defendant used beatings and threats, as well as other patterns of coercion, to keep these victims under his power. His scheme came to light following the death of a teenaged girl who died of carbon monoxide poisoning in the apartment where he had sequestered her, her sister, and another girl. The main defendant, one of the largest landlords in Berkeley, California, pled guilty to trafficking women and girls into the United States to place them in sexual servitude and was sentenced to 97 months in prison and ordered to pay $2,000,000 restitution to the victims. The main defendant's two sons, brother, and sister-in-law pled guilty to conspiring to commit immigration fraud. A son was sentenced to 24 months in prison and fined $40,000; the brother was sentenced to 12 months and one day in prison and fined $30,000; and the sister-in-law was sentenced to six months home detention and fined $2,000. One son is awaiting sentencing.

U.S. v. Jose and Maria Tecum (1/5/00)
(Superseding indictment, 4/12/00)(M.D. Fla.)

The defendants, husband and wife, used fraudulent identity documents to smuggle a young Guatemalan woman into the United States through Arizona. Defendant Jose Tecum persuaded her to live as his wife, despite the fact that he already had a wife in Florida, and forced her to perform both housework and agricultural labor in California and Florida in order to pay off her smuggling debt. Maria Tecum entered a guilty plea to misprision of a felony and was sentenced to one and one half days in prison. Jose Tecum was convicted on charges of involuntary servitude, alien smuggling, kidnaping and document fraud and sentenced to 108 months in prison.

U.S. v. Flavors (10/7/99) (C.D. Cal.)

The defendant pled guilty to a Mann Act charge for transporting two young teenage women from Seattle to California and forcing them into prostitution. The victims were beaten and threatened with harm and even death if they were to flee or talk to law enforcement. The involuntary servitude charges were dismissed in exchange for the defendants guilty plea. The defendant was sentenced to 168 months in prison.

FY1999

U.S. v. Udogwu, et al. (8/12/99) (S.D.N.Y.)

Two defendants were convicted of illegally bringing young women to the U.S. from Nigeria to work as domestic servants. The victims were held by physical abuse and intimidation. Although they were allowed outside employment, their wages were taken by the defendants. One other defendant entered a guilty plea to marriage fraud and conspiracy. Prosper Udogwu was sentenced to 11 years and 3 months in prison and Efeoma Udogwu was sentenced to 12 years and four months in prison. In addition, they were ordered to pay $281,693 restitution to the victim and $41,672 restitution to the government for the social security fraud.

U.S. v. Vasquez and Vasquez (5/3/99) (D. Colo.)

One defendant, an operator of Blue Mountain Quarry in Beech Hill, Colorado, pled guilty to harboring illegal workers who were smuggled into the country and provided false green cards. Once at the quarry, the workers were not being paid and were not allowed off the site of the quarry. Charges were dismissed against a second defendant.

U.S. v. Cuello, et al. (4/27/99) (M.D. Fla.)

Four defendants were charged with conspiracy to hold in involuntary servitude, extortion, harboring illegal aliens and other labor violations for smuggling individuals from Mexico, holding them against their will and forcing them to work in tomato fields in Immokalee, Florida. Three of the defendants entered guilty pleas while the fourth defendant remains in fugitive status. Basilio Cuello was sentenced to 24 months in prison, Abel Cuello was sentenced to 33 months in prison and ordered to pay $20,945 restitution, and German Covarrubias was sentenced to four years probation.

U.S. v. Mishulovich, et al. (4/22/99) (N.D. Ill.)

Five defendants were charged with importing Russian women into the United States to perform as erotic dancers and engage in prostitution. The women were threatened with violence should they attempt to escape and had their travel documents confiscated by the defendants. They were also forced to turn over their earnings to the lead defendant. Three of the five defendants entered guilty pleas while another defendant was convicted at trial. One defendant was sentenced to 112 months in prison and a second was

sentenced to 21 months in prison. The fifth defendant remains in fugitive status.

U.S. v. Soon Oh Kwon, et al. (11/20/98) (CNMI)

Three individuals were convicted for luring young women from China, holding them in slavery and forcing them into prostitution. The defendants lured women from China to the CNMI with false promises of good jobs and a better life, only to hold them in slavery and forced prostitution in the defendants' karaoke bar. Defendant Kwon, Soon Oh pled guilty to one count of conspiracy to violate rights, specifically the right to be free from involuntary servitude, and he was sentenced to 108 months in prison. Kwon's wife, Meng, Ying Yu, pled guilty to one count of conspiracy to violate federal laws that prohibit involuntary servitude, extortion, and transportation for illegal sexual activity, and she was sentenced to 57 months in prison. Kwon's son, Kwon, Mo Young, pled guilty to one count of transportation for illegal sexual activity and was sentenced to 30 months in prison. The three defendants were ordered to pay $45,000 restitution, jointly and severally.

U.S. v. Veerapol (10/27/98) (C.D. Cal.)

One defendant was convicted involuntary servitude, harboring illegal aliens and mail fraud after he brought Thai nationals to the United States and held them in involuntary servitude, forcing them to work at his home and restaurant around the clock for several years. The defendant was sentenced to 97 months in prison.

FY1998

U.S. v. Cadena, et al. (4/23/98) (S.D. Fla.)

Sixteen defendants were charged with conspiracy and civil rights and immigration violations for smuggling female juveniles and adults from Mexico to south Florida with the promise of work as seasonal agricultural laborers, in domestic services, or in restaurants. Once in the United States, however, the victims were forced to engage in prostitution to pay off their smuggling fees. Seven of the sixteen defendants have entered guilty pleas for their involvement in this matter. One defendant was convicted of murder in Orange County, Florida and sentenced to life in prison. Three defendants are in fugitive status while a fourth defendant died in Mexico and a fifth is dying of diabetes. The government dismissed charges against one other defendant. One defendant was sentenced to 180 months in prison and ordered to pay $859,000 restitution. Two other defendants were sentenced to 78 months in prison, two others to 57 months and the two remaining defendants were sentenced to 30

months in prison. In addition, these six defendants were ordered to pay $1,000,000 restitution, jointly and severally. In 2002, one fugitive defendant was apprehended and extradited to the United States from Mexico. The defendant entered a guilty plea to conspiring to hold women and girls to a condition of involuntary servitude. In June 2002, another fugitive defendant was convicted in Mexico following an Article 4 Prosecution and sentenced to 24 years, 2 months and 15 days in prison.

U.S. v. Lozano, et al. (3/11/98) (W.D. Tex.)

Two defendants were convicted while one other defendant pled guilty pre-trial to participating in a scheme to smuggle people, who were both deaf and unable to speak, from Mexico to the United States to work under conditions of servitude peddling key chain trinkets on the streets of El Paso and outlying cities in New Mexico and Arizona. The victims were forced to beg and sell trinkets without receiving payment and they were threatened and/or physically assaulted if they attempted to leave. The defendants were sentenced to 96 months in prison.

U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

September 4, 2003

MEMORANDUM FOR UNITED STATES ATTORNEYS

FROM: Larry D. Thompson
Deputy Attorney General

SUBJECT: Illicit Drug Anti-Proliferation Act

I am writing to highlight a growing problem pertaining to the drug market in America—as well as a new solution. By now, you have heard of "raves" and other similar events planned partly or primarily for the purpose of disseminating and using illegal drugs. These events expose thousands of our youth to dangerous drugs, including MDMA, marijuana, methamphetamine, and GHB. Too often these events end tragically, with an overdose or death. In many cases, disreputable entrepreneurs seek to profit from the drug trade by leasing or renting their clubs, warehouses, and even stadiums for these events.

Recently, Congress and the President provided you with an important new tool to extinguish raves and similar drug-fueled events. Referred to as the "Illicit Drug Anti-Proliferation Act," this new legislation will better enable you to prosecute people who sponsor these types of events. The new law expands the so-called "crack house" statute (21 U.S.C. § 856) to target more clearly those who knowingly organize or manage an event for the purpose of furthering illegal drug activity. Specifically, the bill:

- Broadens the venues covered under the law to include virtually any "place";
- Explicitly includes outdoor as well as indoor venues; and
- Penalizes persons who exercise temporary (as well as permanent) control over the premises.

Additionally, the new law provides for a civil penalty of two times gross receipts, or up to $250,000 per violation. I strongly encourage you to make use of the updated "crack house" statute.

In addition to prosecuting the organizers, facilitators, and property managers involved in these "raves," however, we must also educate them—both as to the danger of these events and the risk they face by facilitating the events. To this end, I have attached a sample letter that you may use to communicate with the businesses and individuals involved in rave events in your districts.

A primary mission of narcotics prosecutors is to disrupt the drug market. Holding accountable the persons involved in these raves and other drug-related events is a crucial means to achieve this goal. Your efforts are invaluable in reducing drug use in America, and I thank you in advance for your continuing hard work.

Attachment

Dear :

This office has learned that you or your business has held, or may be planning to hold, an event at which dangerous drugs such as marijuana, MDMA ("ecstasy"), cocaine or methamphetamine may be used, sold, or made. These events pose a danger to the health and well-being of the youth of this community. In addition, you should be aware that Federal law provides that it is unlawful to:

- "knowingly open, lease, rent, use, or maintain[] any place, whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any controlled substance"; or

- "manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance."

A violation of this law may result in a prison term of up to twenty (20) years and/or a fine of up to $500,000 for each violation of the statute.

If you wish to discuss this matter further, you may contact this office at (xxx) xxx-xxxx.

Sincerely,

UNITED STATES ATTORNEY

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C 20530

NOV 20 2002

The Honorable Anthony D. Weiner
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Weiner:

This responds to your letter of January 7, 2002, which expressed concern about the Department's response of September 10, 2001, to your earlier request for additional information pertaining to classified documents in U.S. v. Jonathan Pollard. Your letter of June 11, 2001 asked for "the classification for each portion of each of the five classified documents; the declassification schedule for each such portion; and the number of people who have been accorded access to any of the classified documents since Mr. Pollard was sentenced."

In response to your June 11 letter, the Department's Security and Emergency Planning Staff, the custodian of the original classified court records, requested that a declassification review be conducted for the five documents by the Department of Defense pursuant to Section 1.6(e) and Part 3 of Executive Order 12958. The Department of Defense is the original classification authority for the five documents, and they must make any revisions to the classification of the documents. The declassification review should determine the current classification level, if any, of each paragraph of each document. For your further assistance, we gave you the Department of Defense point of contact for the declassification review, which was Stewart Aly, Assistant General Counsel, OGC/DOD, Rm. 3C975, 1600 Defense Pentagon, Washington, DC 20301-1600, Telephone: 703-695-6804.

With regard to access, we responded by indicating that we could only provide the number of visits recorded in the log of the Security and Emergency Planning Staff. There were 25 such instances of access recorded between November 19, 1993 and January 12, 2001. In some instances, a single individual accessed the document on more than one occasion. As a point of clarification, I should note that this log refers only to access to the Weinberger affidavit, which is classified Top Secret/Sensitive Compartmented Information. No log has been maintained with respect to access to the other documents in the custody of this Department. We cannot provide the number of instances of access to copies of the documents occurring at other agencies, such as the Department of Defense, or by defense and prosecution teams during the course of litigation.

We regret that you are unsatisfied with our response to your request. However, we believe we have provided all the information we can and have taken measures, such as referring the documents to the Department of Defense for their action, that we hoped would be helpful to you. I hope this information will be of assistance to you.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

Testimony
United States Senate Committee on the Judiciary
Indecent Exposure: Oversight of DOJ's Efforts to Protect Pornography's Victims.
October 15, 2003

Mr. John Malcolm
Deputy Assistant Attorney General Criminal Division ,

STATEMENT

OF

JOHN G. MALCOLM
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

INDECENT EXPOSURE: OVERSIGHT OF DOJ=S EFFORTS TO PROTECT PORNOGRAPHY=S VICTIMS

PRESENTED ON

OCTOBER 15, 2003

Testimony of John G. Malcolm
Deputy Assistant Attorney General, Criminal Division
United States Department of Justice

before the
Senate Judiciary Committee

Indecent Exposure: Oversight of DOJ=s Efforts to Protect Pornography=s Victims
October 15, 2003

Mr. Chairman, Mr. Ranking Member, and esteemed Members of the Committee:

My name is John Malcolm, and I am a Deputy Assistant Attorney General in the Criminal Division of the Department of Justice. Among my other duties, I supervise the Child Exploitation and Obscenity Section (CEOS) and the Computer Crime and Intellectual Property Section (CCIPS). In addition to pornographic material, which is constitutionally-protected, adult obscene material and child pornography, which are not constitutionally-protected and which are illegal, are, unfortunately, pervasive in our society. I thank the Committee for inviting me to testify about the Department of Justice=s enforcement efforts against those who produce and disseminate adult obscenity and child pornography.

I. The Nature and Scope of the Problem

Let me begin by acknowledging the positive benefits of the Internet, which are too numerous and obvious to restate here. While there is no doubt that the Internet provides access to a highly diverse network of educational and cultural content, it is also responsible for the proliferation of adult and child pornography and obscene material. Indeed, offensive material that used to be largely

unavailable to average citizens and children is now largely unavoidable. Far from being hidden in brown paper bags behind the counters of disreputable stores, offensive material is now readily available to anyone with an Internet connection within a matter of minutes with a few clicks of a computer mouse, accessed oftentimes by unsuspecting children and by adults who had no intention to seek such material and no desire to view it.

Over the last several years, online pornographers have used various technological and marketing techniques designed to trick both adults and children into viewing their offensive material. One favorite trick of online pornographers is to send pornographic spam email. Another is to utilize misleading domain names or deceptive metatags (which is a piece of text hidden in the Hypertext Markup Language (HTML) used to define a web page) which can mislead search engines into returning a pornographic web page in response to an innocuous query. As a result of these deceptive metatags, searches using terms such as Atoys,@ Awater sports,@ AOlsen Twins,@ ABritney Spears,@ Abeanie babies,@ Abambi,@ and Adoggy@ can lead to pornographic websites. Indeed, it has been estimated that ninety percent of children between the ages of 8 and 16 have been exposed to obscene material on the Internet. Moreover, once an unsuspecting person is on a pornographic website, online pornographers utilize other techniques such as Amousetrapping@ to prevent that individual from exiting these websites and stopping the assault of offensive material.

The proliferation of this material and the desire by pornographers to differentiate themselves in a highly-competitive market have prompted pornographers to produce ever-more offensive material. In addition to child pornography, pornography depicting and glorifying bestiality, scatology, and rape are readily available and aggressively marketed.

The harmful effects of obscene material and the victims of this sordid industry are very real. The images produced promote the idea of sex without consequences, such as unwanted pregnancies or sexually-transmitted diseases. The victims, usually women, are objectified and demeaned, presented as completely non-discriminating with respect to the number or type of sexual partners they have and as being aroused and gratified by being beaten, tortured or raped. Very few women grow up dreaming of being filmed having sex with an animal or being raped and beaten by multiple partners, and very few who see these powerful images and absorb the antisocial values they portray can remain unaffected by them. The negative, lasting impact that this has on the participants who are in these images, and on the attitudes that are formed by the predominantly-male viewers who see them, is incalculable.

The negative impact and effects of child pornography, while more readily apparent and universally-recognized, are too horrifying to think about. Images of young teenagers, prepubescent youngsters, and literally infants engaging in sex of all types with other children and adults are readily-obtainable and would make you sick to your stomach.

Because the Internet has popularized the trade in child pornography, there has been a surge in demand and a corresponding surge in production of child pornography. A recent study by the National Society for the Prevention of Cruelty to Children (ANSPCC@) indicates that approximately 20,000 images of child pornography are posted on the Internet every week. We see younger and younger children depicted in these images. Indeed, the recent NSPCC study indicates that about half of new images appearing on the Internet depict children between the age of nine and twelve, and the rest are younger.

As with obscenity, the trend with respect to child pornography is towards more violent and extreme sexual acts being committed against children. We see Acustom-order@ child pornography where consumers request specific types and ages of children to be molested and photographed or filmed, along with specific sexual directions to the abuser. We see molesters filming their abuse real-time with webcams and broadcasting that sexual abuse live over the Internet. Because child sexual abuse tends to occur in the home or other private location by a person close to the child, the potential for the sexual abuse to span years is great. We must never forget that each image represents the rape of a child. Each image is a tragedy and a gruesome memorial of trauma, abuse, powerlessness, and humiliation that will be with that child for the rest of his or her life.

The Internet has proven to be a useful tool for pedophiles who are able to use it to communicate with each other, trade images, and encourage each other to continue this deviant and harmful conduct. Pedophiles also use the Internet to contact unsuspecting children in chat rooms, to befriend them and engage in sexually-explicit conversations, and, ultimately, to lure them away from the safety of their homes for illicit and dangerous assignations. In so doing, pedophiles frequently use child pornography and obscene material to lower the inhibitions of their victims and to persuade them that adult-child sexual interaction is perfectly acceptable. Too often, this pernicious ploy works.

The sad reality is that, because the Internet is borderless and seamless and because the production and dissemination of objectionable material is both pervasive and international in scope, it is highly unlikely that the Department is ever going to be able to rid our country of obscene material and child pornography through prosecution alone. Active involvement by parents and

teachers in the activities of children, public awareness of the Adark side@ of the Internet as well as the harm caused by obscenity and child pornography, and development and deployment of protective software tools and filters are going to be necessary components of any effective strategy to combat this scourge.

Nonetheless, the Department of Justice is aware that it must do its part. Most Americans do not want their Internet-connected homes to be besieged by an avalanche of obscene material and child pornography and overwhelmingly support law enforcement efforts to protect them and their children. Protecting women, children, and families is something that we can all agree is a vital role for government, and that is what the Department is attempting to accomplish.

II. The Department=s Efforts to Combat Adult Obscenity

Attorney General Ashcroft publicly stated that A[t]he Department ... is unequivocally committed to the task of prosecuting obscenity@ and that federal prosecutors should work together with CEOS to facilitate Aongoing, systemic and aggressive obscenity investigations and prosecutions.@ Since that time, CEOS attorneys, working with prosecutors in U.S. Attorney=s Offices around the country, have created an obscenity enforcement strategy and have made tremendous progress, along a number of fronts, in combating the scourge of obscenity.

In order to aggressively and effectively combat the online distribution of obscenity, the Department created the High Tech Investigative Unit (AHTIU@). The HTIU, which has been operational since October 2002, is staffed with computer forensic experts who bring their special technological expertise to bear against internet-based child pornography and obscenity offenders, many of whom feel impervious to law enforcement because of the perceived anonymity of the Internet. Working side-by-side with CEOS Trial Attorneys and federal agents, HTIU=s computer forensic specialists meet the challenge presented by the use of emerging Internet technology in the commission of child pornography and adult obscenity crimes and are poised to meet new challenges that will surely develop as technology evolves.

The HTIU has successfully initiated and developed several cases and has a number of matters under investigation. The HTIU continues to leverage its resources in identifying and investigating complex online cases which may otherwise escape prosecution due to the technical challenges involved.

By formal arrangement, the HTIU receives tips from the National Center for Missing and Exploited Children (NCMEC), Morality in Media (MIM), and the

Federal Trade Commission (FTC) involving child pornography and obscenity offenses. The HTIU is already receiving and reviewing an average of 120 tips per month from NCMEC and MIM and has direct access to the FTC=s complaint database. Many of these complaints have been referred for further investigation. The Department appreciates the efforts of these organizations, and all citizen groups which report violations of federal law, and hopes to maintain these very beneficial relationships in the future.

CEOS devised and conducted a Federal Prosecutors Symposium on Obscenity held at the National Advocacy Center in June 2002. The Attorney General personally addressed the audience and, via live simulcast, also addressed U.S. Attorney=s Offices throughout the country. In October 2002, CEOS presented an Obscenity Training Seminar, during which it distributed a detailed obscenity case digest. A second annual Obscenity Training Seminar began today and will last the rest of the week. It is through such training of federal prosecutors and agents that the Department hopes to develop a national strategy and framework for sustained, long-term enforcement of federal obscenity laws, to complement the anti-obscenity efforts of state and local prosecutors and investigators.

I am pleased to state that the Department=s efforts in this regard are starting to bear fruit. To date, during this Administration, there have been nineteen convictions involving federal obscenity statutes. Two defendants, including a former police officer, who allegedly distributed rape videos are on trial right now in federal court in Dallas, Texas. There are three other obscenity cases that have been indicted, including large-scale distributors of allegedly obscene material, and approximately fifty federal obscenity investigations are ongoing in districts throughout the country.

Each investigation is unique and complex, rising or falling based on the facts involved. Although it is not my purpose today to announce any new targets, nor is it my purpose to immunize any purveyors of offensive material from our federal obscenity enforcement efforts, among the factors we review are the content of the material itself, the size of the distribution network, how the material is marketed and to whom it is marketed, where the targets are located, how the material is disseminated, and where the material is disseminated.

Under the Supreme Court=s test for obscenity, first announced in Miller v. California, 413 U.S. 15 (1973), two of the three prongs call for the application of Acontemporary community standards.@ Varying community standards means that a given item may be obscene in some districts but not in others. For this reason, among others, we work closely with U.S. Attorneys in different districts because they are in the best position to determine the local standards of the

communities in which they live and work. I would note, however, that those who disseminate offensive material from more permissive districts into arguably less permissive districts, a matter of particular relevance to those who distribute such material via the Internet, do so at their peril. As the Supreme Court stated recently in Ashcroft v. American Civil Liberties Union, 535 U.S. 564, 583 (2002):
If a publisher chooses to send its material into a particular community, this Court=s jurisprudence teaches that it is the publisher=s responsibility to abide by that community=s standards. The publisher=s burden does not change simply because it decides to distribute its material to every community in the Nation.

III. The Department=s Efforts to Combat Child Pornography

While the Department is committed to a renewed enforcement agenda with regard to adult obscenity, and despite the obvious divergence of federal resources to combat terrorism, the Department continues to vigorously enforce child sexual exploitation laws. Indeed, according to the Executive Office of United States Attorneys, in fiscal year 2002, 1199 cases were filed involving child pornography and child exploitation statutes (a 22% increase from FY 2001).
Internet investigations often uncover large child pornography groups with hundreds and sometimes thousands of targets. The Internet affords pedophiles the ability to exchange large amounts of child pornography with large numbers of people with minimal effort. CEOS, working closely with U.S. Attorney=s Offices throughout the country, is currently involved in nine significant national operations. These investigations require coordination among law enforcement agencies, including state and local Internet Crime Against Children (ICAC) Task Forces , and prosecution entities to ensure the best utilization of our limited resources. Several of these investigations have identified and rescued child victims. Although these investigations are ongoing, and some of them are international in scope, several child molesters have already been apprehended and convicted in this country

In Operation Hamlet, for instance, the Department dismantled an international ring of active child molesters. Many of these criminals were molesting their own children, as young as 14 months old, making their children available to other members of the ring, exchanging images depicting their abuse, and, in some instances, running a Alive-feed@ via webcam during their abuse so the other ring members could watch the abuse in real-time. Thus far, thirteen Americans have

been identified as active child molesters and another fourteen have been identified as child pornography traders. Other countries experienced similar success. Of the thirteen American child molesters, all but one (who committed suicide) have been indicted federally (with six convictions obtained thus far). The fourteen Americans identified as child pornography traders have likewise been targeted for federal charges, with several indictments already pending.
NCMEC operates two Atiplines@ designed to receive complaints of child pornography on the Internet, receiving hundreds of tips each week. CEOS works closely with NCMEC to ensure that tips, which are shared with the Federal Bureau of Investigation (FBI), Bureau of Immigration and Customs Enforcement (ICE), U.S. Postal Inspection Service (USPIS), and U.S. Secret Service (USSS), as well as state and local law enforcement, are actively pursued. Additionally, acting in coordination with other law enforcement agencies and NCMEC, CEOS devised and is currently implementing the National Child Victim Identification Program. Its mission is to gather and analyze intelligence in order to find and save children who are being sexually abused. Images of child pornography are tracked in the Adatabase,@ which is able to identify images representing fresh instances of abuse. Those images, along with any intelligence data, are forwarded to law enforcement for priority investigation.

Through passage of the PROTECT Act, Congress, with the assistance of this Committee, recently provided the Department of Justice with some significant new tools to assist law enforcement in combating child pornography and thwarting child exploitation. Among its many useful provisions, the PROTECT Act requires lifetime supervised release for convicted sex offenders, creates a rebuttable presumption against pretrial release for child rapists/abductors, and eliminates the statute of limitations for child sex crimes. In addition, the Act improves existing sex tourism laws to target sex tourists and sex tour operators, limits the bases upon which sentencing judges can downwardly depart in child sex cases, and creates a ATwo Strikes, You=re Out@ law for child sex offenders. The Truth in Domain Names provision, part of the PROTECT Act, criminalizes the use of misleading domain names to attract persons, and particularly children, to pornographic web sites.
The Department is already making effective use of these tools, as evidenced by the recent indictments under the PROTECT Act (1) by the United States Attorney=s Office for the Southern District of New York of John Zuccarini, who is alleged to have created and used over 3,000 misleading domain names on the Internet with the intent to deceive minors into viewing pornographic web sites, (2) by the United States Attorney=s Office for the Western District of

Washington of Michael Lewis Clark, who is alleged to have traveled to Cambodia to engage in sexual activity with underaged boys, and (3) by the United States Attorney=s Office for the District of South Carolina of Joseph Bledsoe for possession and distribution of child pornography as that term is defined in the Act.

IV. Some of the Challenges We Face

As I have discussed in some detail already, the Department faces many challenges in enforcing federal child pornography and obscenity laws. Many of these challenges relate to the complexity of investigating Internet crimes. Although the Department has made great progress in developing the technological expertise necessary to successfully investigate Internet cases, such cases can pose significant difficulties even when law enforcement has the necessary technical expertise. For example, it is often difficult to obtain records from Internet Service Providers (ISPs) which can assist law enforcement officials. There are literally thousands of ISPs, and each has a different policy regarding record retention. Some keep detailed records for long periods of time, usually to meet their own security needs, while others do not keep detailed records or retain them only for short periods.

Several of the statutes that we utilize have come under constitutional attack, which could significantly affect our ability to pursue obscenity violations and protect children from sexual exploitation. One such statute is the Child Online Protection Act (COPA) (codified at 47 U.S.C. ' 231), which was enacted by Congress in 1998 to protect children on the Internet from obscene content and content that is Aharmful to minors.@ COPA was Congress= second attempt at protecting children from harmful content on the Internet. The first attempt, the Communications Decency Act, was struck down as unconstitutional by the Supreme Court. As of today, there is an injunction barring the Department=s enforcement of the challenged COPA provisions, and the Department is seeking the Supreme Court=s review of the Third Circuit=s decision striking down the statute. Another lawsuit challenges the use of the traditional Miller obscenity standard in Internet cases, alleging that applying local community standards to Internet content (which has no boundaries) renders the statute unconstitutionally overbroad. See Barbara Nitke, et al. v. Ashcroft, 01 Civ. 11476 (S.D.N.Y. Dec. 14, 2001).

Conclusion

While we are addressing these challenges, we are under no illusion that they will

be easy to overcome or that we will not face additional challenges in the future, particularly as new technologies emerge. Nonetheless, despite these and future challenges, the Department of Justice will do everything within its power to curb the proliferation of obscene material in our society and protect children both at home and abroad from the predatory activities of pedophiles.

I would like to thank you again for inviting me to testify on behalf of the Criminal Division of the Department of Justice, and I look forward to answering your questions.